



Volume 6 • Issue 1 ∞ FALL 2008

Democracy & Society

A PUBLICATION of the CENTER FOR DEMOCRACY and CIVIL SOCIETY

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Two Paradoxes of Sovereignty

BY MOANA ERICKSON



Consider the following paradox. On December 19, 2006, the government of Somalia voted yes on UN Draft Resolution A/61/439, “Promotion and protection of the rights of children.” The resolution, in part, calls for all UN member states “to criminalize all forms of sexual exploitation of children.”¹ In seeming direct contradiction to the resolve the government of Somalia showed in the UN in December 2006, on November 12, 2008, fifty men stoned to death a thirteen year-old rape victim in front of a crowd of approximately 1,000 spectators in Kismayo, Somalia and gunmen fired on individuals who attempted to save her. To date, the Somali government has made no effort to apprehend the perpetrators.^{2,3} We thus have a clear example of a state voting at the international level to criminalize behavior it appears unable to enforce within its own borders. How do we explain the inconsistency that states have greater power outside their borders than within them? The answer to this question is the international enforcement of sovereignty. [Continued, Page 10]

Dealing With State-Sponsored Militias: Policy Recommendations in the Face of Path Dependence

ARIEL I. AHAM

Discussions of state frailty and state failure are today dominated by considerations of the evils of state-sponsored vigilante groups, such as the *janjaweed* in Sudan or the *interahamwe* in Rwanda. For policy-makers, the emergence of these groups represents a fundamental retreat from the cherished Weberian notion of states as monopolists over the use of force. But where policy-makers tend to triage and respond to challenges immediately, it is up

to social scientists to consider these matters with an eye to deeper roots. In this vein, studies by such scholars as Robert Jackson, Jeffrey Herbst, and Miguel Centeno emphasize how the international system itself suborns the persistence of weak states by dampening the pressures of interstate war that propelled Europe’s drive toward state centralization.¹ Indeed, as Michael Mann notes, “most historic states have not possessed a monopoly of organized military force and many have not even claimed it.”² Rather, states share coercive power with a host of non-state actors, variously dubbed militias, warlords, village guards, or paramilitaries. Highlighting contingency and path dependent political outcomes provides cold comfort to policy-makers, as history itself cannot be re-run, but can provide a useful guide for examining the feasibility of various ameliorative measures.³ [Continued, Page 20]



From the Director
BARAK HOFFMAN

Fragile States, U.S. Foreign Policy and the Next Administration

It is always a pleasure to write this column as I get to update *Democracy and Society's* readers on CDACS's activities and there have been many exciting ones over the past few months. Our conference activity has been brisk. In May, we co-hosted a conference on Political Oppositions in the Arab World in Cairo, Egypt, with the United States Institute of Peace, the Al-Ahram Center for Strategic and Political Studies, and Georgetown University's Berkley Center for Religion, Peace, and World Affairs. We are planning to hold another one in June 2009, also in Cairo. In December, 2008, we co-hosted a conference on the Globalization of Autocracy, US Foreign Policy and Democracy Assistance with the International Foundation for Electoral Systems. The conference highlighted the threats to democracy emanating from coordination among authoritarian regimes to suppress political freedom and how these challenges affect democracy assistance programs. The next edition of *Democracy and Society* will examine this topic (see this issue's call for papers for more information).

CDACS is also undertaking a range of new research. Most prominently, the National Science Foundation (NSF) has awarded CDACS Executive Director, Barak Hoffman, and UC-San Diego Professors Karen Ferree and Clark Gibson \$250,000 to conduct election exit polls in sub-Saharan Africa. The purposes of the grant are to examine the accuracy of official election results and study patterns of ethnic voting. We conducted an exit poll in Ghana's election on December 7, 2008 and will be conducting them in a number of other countries over the next year. In addition, the United States Institute of Peace (USIP) awarded \$50,000 to Dr. Hoffman and Dr. Andrew Green, principal of the consulting firm DGMetrics and an instructor in the MA Democracy and Governance Studies program, to assess

the effectiveness of USIP's Annual Grant Competition Program on knowledge accumulation in the areas of conflict prevention, management, and resolution.

This issue of *Democracy and Society* focuses on the causes of failed states and the threats they pose. Two articles examine the issue through a theoretical lens. Moana Erickson of the American Council on Renewable Energy argues that failed states are a result of an international system that enforces sovereignty externally. Ariel Ahram of the University of Oklahoma and former CDACS fellow explores alternatives to sovereign states to address the problems of failed states. We also examine two country case studies. Christopher Dittmeier of the University of North Carolina contends that Kurdistan's oil wealth and the alacrity of western oil companies to develop it is hindering progress on creating a unified Iraq. Johanna Womer Benjamin, MA candidate in Georgetown University's Democracy and Governance program, maintains that piracy is a cause and consequence of state failure in Somalia. Finally, Stewart Patrick and Kaysie Brown of the Council on Foreign Relations highlight the increasing role of the US military in US foreign assistance programs due to its increasing involvement in failed states.

We complement our thematic focus on failed states by reviewing three books on peacekeeping operations (PKO). Katahrina Coleman contends that the crucial factor for success in PKOs is a legitimate mandate from a respected international organization, such as the UN. James Dobbins examines UN and US PKOs and determines that the former are typically more successful than the latter because of the UN's greater capacity for institutional learning. Finally, Lise Morjé Howard argues that consent among the parties to a conflict, a UN Security Council mandate and modest interest in the PKO, and organizational learning in the UN's PKO planning unit, are the three critical components to a successful PKO.

Piracy: Both a Symptom and Cause of State Failure in Somalia

JOHANNA WOMER BENJAMIN

INTRODUCTION

On Saturday, November 15th, 2008, 450 nautical miles off the coast of Kenya, Somali pirates hijacked the Saudi Arabian vessel *Sirius Star*. The vessel is owned by the shipping subsidiary of Saudi Aramco, a Saudi state-owned oil giant, and was carrying over \$100M worth of crude at the time of the incident.¹ The pirates, who initially demanded a \$25M ransom, could now boast commandeering the “largest vessel ever seized.”²

While observers have been quick to recognize that failed states such as Somalia constitute an international concern by offering safe havens to terrorists, the link between such states and other threats to global security, such as piracy, is relatively absent from the failed states debate. Piracy is, in fact, not only a symptom of Somalia’s state failure, but facilitates its persistence as well. This article describes the activity of pirates off Somalia’s coast, analyzes the consequences of it, and discusses possible courses of action to stem pirate activity. Ultimately, while international forces can contain piracy, only improved governance inside Somalia can eradicate it.

PIRACY IN SOMALIA

Piracy has existed in Somalia’s coastal waters since the country’s collapse into a failed state in the early 1990s. Prior to 1990, a twenty-year civil struggle between government troops and rebels vying to take down the authoritarian regime of Mohamed Siad Barre wracked the east African nation. When Barre was finally deposed in 1991, the state quickly slid into ethnic violence between clan-based warring militias. A U.S.-led United Nations peacekeeping mission in the civil war of the mid-90s only exacerbated the violence. By the later part of the decade, the capital city of Mogadishu had fallen under the tenuous control of a “mosaic of warlord fiefdoms, neighborhood watch groups, private business security forces and local Islamic law (*sharia*) courts.”³ While the secularist Transitional Federal Government (TFG) was given power and international recognition in 2004, it has failed to establish stability and good governance.

Pirates off the Somali coast were initially concerned with protecting their waters. According to international law, a country has exclusive fishing rights to its territorial waters, an area covering 370km (200 nautical miles) off its shores. In Somalia’s case, the abundance of commercial fish in coastal

waters attracts a growing number of “intruders.”⁴ In any given day, roughly 500 foreign-registered ships—mainly of European, Asian, and African origin—can be found poaching in Somali waters. They not only lack the legal authority to fish off Somalia’s coast, but also have dealt a serious blow to Somalia’s fishing industry in the last fifteen years by depleting the state’s fishing reserves.

The absence of a sophisticated national Somali military leaves a vacuum easily filled by these pirates, who claim that their activities actually provide a service to the country. They believe that they are defending Somalia “against alleged ‘poaching’ by foreigners said to be encroaching on the Somali waters.”⁵

From the beginning of this year through September 25th, the International Maritime Bureau (IMB) has recorded 61 actual and attempted hijacks off the coast of Somalia, a dramatic increase from the 25 reported in the Gulf of Aden in 2007. Four vessels were captured in the last week of August alone. Since the end of 2007, the concentration of pirate activity has shifted from the port of Mogadishu in the far south to the Gulf of Aden on the northern coast.⁶ However, the frequency of pirate attacks is not the only problem; it is also “the skill and daring of the pirates, some of whom call themselves ‘marines’ and claim to be protecting the country’s maritime resources from foreign exploitation.”⁷

Piracy off the Somali coast is a lucrative business, “less risky than robbing a bank and more profitable than pulling up half-empty fishing nets.”⁸ After realizing the profitability of hijacking ships, the pirates have graduated from attacking only intruding fishing vessels to any conceivably profitable craft that enters Somali waters. Additionally, the latest pirate attack 450 miles off the Kenyan coast demonstrates the pirates’ daring to operate beyond the Gulf of Aden.

Somali warlords play their own part in the piracy process, regularly financing pirate activities and splitting the ransoms with the pirates.⁹ And business, moreover, is good. The average ransom paid for a hijacked ship has tripled since 2007, as has the number of ships taken. Some \$100M may have been paid to pirates this year. To put this in perspective, this figure is seven times higher than the \$14M United Nations Development Programme’s annual budget for Somalia.¹⁰

The problem here is not only the inability (or refusal, as the case may be) of an effective Somali state apparatus to rem-

edy the situation; additionally, “international law [itself] is hopelessly inadequate to cope with the challenge.”¹¹ The United Nations Convention on the Law of the Sea definition of “maritime piracy” includes “acts of violence or detention” committed “for private ends” by the crew of a private ship and conducted on the “high seas” or “*outside of the jurisdiction of a state*.”¹² Presumably, most states have laws against acts of piracy within their jurisdiction, so international laws do not need to protect these areas from piracy. Somalia, however, does not seem to have any laws criminalizing acts of piracy; therefore, they are not technically “illegal” within Somali territory.

Both the pirates and the international community have cited protection of Somali territorial waters¹³ and state sovereignty as justifications for non-interference.¹⁴ However, the current government in Mogadishu hardly qualifies as sovereign, demonstrating a consistent inability to control its internal security environment and effectively govern its territorial waters. At what point, then, does a state lose certain rights, such as the right to territorial waters or the claiming of sovereignty? Similarly, if the government is unable to police its territory, from whom can boats receive permission to fish off the coast of Somalia? And if no law exists that prohibits pirates from attacking boats that have violated Somalia’s sovereignty, is there a crime in the first place?

CONSEQUENCES OF PIRACY

Piracy in Somalia has numerous pernicious consequences. To begin, Somalia relies heavily on food aid. The high level of piracy, however, makes aid deliveries extremely dangerous and costly for international agencies. The World Food Programme (WFP) has already been forced to temporarily suspend food deliveries. Canada is now escorting WFP shipments but there are no plans to replace Canadian escort services when they come to an end later this year.¹⁵

Piracy is also extremely detrimental to international trade. Pirates often delay a ship from reaching its destination on time, causing ship owners to lose money. Furthermore, demanding a ransom has a “damaging economic effect” for the company that owns the ship’s cargo. The high risks of entering pirate-ridden waters have burdened the ships that need to travel through the Gulf of Aden with skyrocketing insurance premiums.¹⁶ According to a Chatham House report released earlier this month, companies may need to reroute their ships in order to avoid the areas of high pirate activity. This is not a desirable alternative as “the extra weeks of travel and fuel consumption would add considerably to the cost of transporting goods.”¹⁷

Finally, perhaps the most devastating aspect of piracy is that those Somalis with the power to stop it lack the incentive to do so. Piracy thrives because those who hold power are not accountable to either the citizens or a judicial system. For nearly two decades Somalia has lacked an effective

central government. It has no national constitution, laws, court system, or system of taxation. Such institutions could provide revenue to those in power, establish requirements that dictate the way in which the tax revenue must be used, and create serious consequences for its illegal exploitation. Effective state institutions, then, would in theory, provide incentives for leaders to stop supporting illicit activities such as piracy.

Piracy also fuels the cycle of violence in Somalia by providing funds for the warlords’ weapons acquisitions. Andrew Mwangura, head of the Mombasa-based Seafarers’ Assistance Programme, and an expert on Somali piracy, says “there are five main pirate groups operating, sometimes together...most of them are linked to warlords, and the warlords are linked to the TFG, all the way to the top.”¹⁸ Though pirates keep most of the acquired money for themselves, a “significant amount” is given to “important locals... some of whom are involved in the [ongoing civil] war.”¹⁹ Some reports link piracy money to the terrorist group *Al-Shabaab*, which emerged as a youth militia during the rule of the Islamic Courts in 2005–6, and is now fighting an insurgency against Ethiopian and government troops.²⁰

WHAT CAN BE DONE?

Western states and international agencies could take a number of measures to ameliorate the piracy issue. These include deploying naval forces to create a barrier between passing cargo vessels and pirate ships. The most viable solution, however, will need to come from within Somalia, and must entail establishing the institutions necessary to create disincentives for leaders to support piracy.

Plans to execute the first measure are already underway. A previous attack on a Ukrainian arms ship has sparked action from the European Union. After this attack, several EU countries agreed to launch an anti-piracy operation. Though the specifics are unknown, this operation will likely involve the deployment of vessels to the Gulf of Aden to patrol the waters and use force, if necessary, against the pirates. It will probably take place before the end of the year.²¹ In the interim, NATO has installed warships along the Somali coast as a means to deter pirates from hijacking UN aid vessels.²²

We will soon know whether the EU’s anti-piracy operation represents a viable solution to the problem or merely a “bandage placed over a bullet wound.” The outcome will likely be the latter. To understand this, presume that the EU’s operation does successfully eradicate pirate activity off the coast of Somalia. This, in and of itself, is unlikely, considering the costs of the operation for each country will probably exceed the cost of piracy for each country, thereby causing contributing states to eventually provide fewer ships and money to the operation, resulting in its potential disbanding. But *if* the TFG and the warlords were to lose

their revenue from piracy, they would likely prop up other illicit operations, such as drugs and human trafficking that would provide state funding in the continued absence of an effective taxation system. Thus, while the EU operation may stop piracy in its current form, such a solution can be considered only temporary at best. It will not address the root of the problem of Somalia's state failure.

The solution, then, must come from within Somalia, and will entail establishing effective institutions. According to Ahmedou Ould Abdullah, the UN envoy to Somalia, the country "is a victim of its political, business and military elite... They've taken the country hostage." Peace talks are currently underway in Djibouti between the TFG and Alliance for the Reliberation of Somalia, one of the country's main Islamist groups. The goal is to create a government of "national unity" ahead of next year's elections. The UK and other EU countries are holding out hope that ordinary Somalis will pressure their leaders to put national interest ahead of self interest and sign the proposed agreement in Djibouti. Aside from that, according to another diplomat, "There is no Plan B."²³

Piracy stems fundamentally from state failure. Ending it and other symptoms like it will therefore entail a concerted effort to combat state failure at its very root. Establishing good governance, and the national institutions that encourage it, will play perhaps the most important role in this fight. Since piracy has expanded from a local problem to one of great importance for international security, it is in the interest of global leaders to deal with this problem. This, of course, will not be easy, as leaders must realize the importance of confronting not only the symptoms of the disease, but more importantly, the disease itself.

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ENDNOTES

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Revenue Sharing and the Future of a Unified Iraq

CHRISTOPHER R. DITTMEIER^a

The 2003 American invasion of Iraq brought a controlled ethnosectarian conflict to the forefront of Iraq's national crisis, and thus to American foreign policy. Baghdad's principal concern is to prevent the secession of the oil-rich Kurdish provinces from the central government. With just under half of the country's proven oil reserves, the Kurdish region is essential for the economic and political stability of Iraq—indeed, for its continuation as a unified state. However, the Kurdish leadership has significant reason to leverage their resources not only on behalf of a local economic agenda, but also in favor of an ethnic-secessionist movement. The international oil market has been cooperative to Irbil's propositions, given the Kurdistan Region's post-war stability relative to the rest of Iraq and the inability of politicians in Baghdad to agree on a program for oil exploration. The United States' policy has been caught between these two: long-term strategic interests in Iraqi and regional stability and short-term interests in assuring the continued flow of oil from Iraq's reserves. The uncertain control of the oil under Kurdish Iraq is a significant issue, undermining American and Iraqi diplomatic initiatives for reconstruction while presenting a variety of political challenges and economic opportunities for other countries and industries. Negotiating a stable agreement on revenue-sharing between Kurdish and federal authorities is and ought to be a necessary objective of American foreign policy as the next administration determines its strategy for stabilizing Iraq.

The post-invasion Iraqi Constitution mentions the word "oil" only four times, in Articles 108 and 109. These points claim that "[o]il and gas are the ownership of all the people of Iraq," and promotes, but does not elaborate, a vague arrangement for revenue sharing "in a way that achieves the highest benefit to the Iraqi people."¹ The responsibility for this falls under joint agreement between Baghdad and regional governments. This political statement aims to prevent the splintering of Iraq along ethnosectarian lines; however, it does not take into account the disconnect between resource distribution and populations. Proven reserves under the control of the Kurdistan Regional Government (KRG) account for 42% of Iraq's oil.² The rest is almost entirely in the Shi'a-controlled regions; Sunni Iraq

is severely disadvantaged by the territorial distribution of resources. Given that oil revenues account for 93% of the federal budget,³ communal ownership of these resources is one of the many necessities for the continuation of a unified Iraq. Without national reconciliation on oil revenue distribution, it will be extraordinarily difficult from an economic perspective to maintain a unified Iraqi state by any other political arrangement.

While oil resources are deemed "the ownership of all the people of Iraq," ethnosectarian infighting during the constitutional convention of 2005 prevented the adoption of a specific regime for revenue distribution. The Oil and Gas Law was not prepared until February 2007, since which time it has been bogged down in the Council of Representatives. Opposition comes from supporters of the central government, who fear that the draft law "gives the regions too much control" and "would shift 'the balance of power in the management of Iraq's oil and gas resources'" too much in favor of the Kurdish north, as the regional governments—not Baghdad—would negotiate with international exploration companies.⁴ The Kurdish leadership has seemed to exploit the lack of a revenue-sharing agreement, passing a regional oil law soon after the federal draft law stalled in the Council of Ministers. The KRG law is of suspect constitutional status, but has been used as the basis for exploitation agreements with foreign oil companies in the Kurdish region for the past two years.

The federal and regional oil laws have been met with suspicion or outright condemnation for serving sectarian interests and undermining the goal of national reconciliation. The laws' authorization of production-sharing agreements (PSAs) is particularly frustrating to reconciliation efforts. PSAs, initially developed to protect external investment when oil resources are difficult to reach or of unknown quantity, do not serve an economic purpose in Iraqi Kurdistan, where oil reserves are plentiful and well-documented. The KRG has concluded a number of these agreements, under which external investors receive 12.5% of the revenues from oil extraction in the region. This profit rate has been described as "excessive" by Issam al-Chalabi, a former oil minister, who claimed that PSAs are often "granted for 'political reasons,'" rather than out of economic necessity.⁵ American policy is more concerned with avoiding regional fragmentation than with the mechanism of exploitation agreements; however, the KRG's use of PSAs provides significant incentives for American companies to undermine Washington's political prerogatives.

The first PSA, which went into effect in November 2005, took Baghdad by surprise, as work on the federal oil law had barely begun by that point.⁶ Contrasted to the Kurdistan Region's relative stability, the protracted political crisis in Baghdad has overburdened the KRG's patience.⁷ Given the KRG's nominal support of the federal oil law, which legiti-

mizes a large degree of regional autonomy over oil reserves, negotiations over independent PSAs betray the bad faith of the Iraqi Kurdish leadership in this matter. Several Western firms have already concluded PSAs with the KRG, bringing the amount of Iraqi oil on the market to much higher levels than would otherwise be possible. The willingness of these firms to invest in the exploitation of Kurdish-controlled oil is the major factor leading to the growth of Iraqi production, which in December 2007 exceeded its pre-war levels for the first time.⁸

The completion of the legal structure for oil exploitation is a key objective of the American government as well. The United States, after five years of occupation and reconstruction, has a clear interest in the long-term stability of Iraq and the broader Middle East.⁹ However, current instability in the global oil market makes reestablishing a consistent flow of oil from Iraqi reserves an immediate interest.¹⁰ Though complementary in the long-term, these goals require opposing strategies in the immediate context. For as long as American policy remains conflicted between these two goals, it will achieve neither. The differences between the United States' security and economic priorities should be of great concern to the incoming American administration.

The gravity of the revenue-sharing problem also has geostrategic implications. China and India, both of which have experienced extraordinary petroleum-driven development over the past decade, are investing heavily in Kurdish oil. European and American firms, on the other hand, tend to avoid investment in Kurdistan because of domestic legal constraints unique to the West.¹¹ Control of and access to Iraq's energy resources, which are the third largest in the world, will be extraordinarily important as the world approaches peak oil. China's position as a nascent political and military superpower is an important consideration when viewing Beijing's heavy investment in Middle Eastern energy resources. Assuming that Chinese and Indian state oil companies are able to mitigate the security risks facing their investments, long-term planning and positioning are likely to benefit their access to petroleum for a significant amount of time, regardless of the consequences for Iraqi stability.

The main political risk present at this time is the prospect of oil revenues fueling ethnosectarian instability. The most significant concern is that the KRG, in complete control of revenues from their region absent federal control, could fund an independent state.¹² Amplified separatism on the part of Iraqi Kurds is likely to promote similar action by the Kurdish populations in Turkey, Syria, and Iran, none of which have governments favorable to ethnic Kurds. Only Turkey has responded openly to the risks of Kurdish-inspired instability in their territory: its Parliament authorized military incursions into the Kurdistan Region in 2007 and the Turkish military has conducted several cross-border strikes in pursuit of Kurdish guerrillas who pose a

threat to Turkish territorial integrity.¹³ Continued border violence over the past eighteen months has increased tensions between the KRG and Baghdad, indicating that the Iraqi government views this less as an issue of national integrity than of regional stability.¹⁴

The success of Kurdish separatism would have dire effects for a unified Iraq and for American foreign policy. The Shi'a, who have a stake in the success of the central Iraqi government for the first time, have remained devoted until now to the process of arranging a federal structure for revenue-sharing. Nonetheless, perceived impunity on the part of the Kurds could convince the Shi'a leadership to "accelerate their unilateral exploitation of their own oil reserves." This move would accelerate the partition of Iraq into three ethnosectarian states.¹⁵ This situation would present a worst-case scenario for American foreign policy: an independent Kurdistan would directly hamper American relations with Turkey; a Shi'a state would likely ally politically with Iran, extending Tehran's reach into the Arabian Peninsula; and a Sunni rump—largely devoid of any oil resources—would fail as a state and present ample haven and recruitment for extremist groups such as al-Qa'ida.¹⁶

Neither can partition be effectively managed for American interests. Liberal estimates of global peak oil place in the 2020s the moment at which the costs of petroleum-based energy will begin to exceed their benefits, marking necessary the transformation in energy infrastructure and the Iraqi government's revenue stream. It is unlikely that a partition can be negotiated and implemented within this timeframe. The interconnectedness of Iraq's oil infrastructure also poses issues for the partition plan, necessitating a negotiated settlement regardless. The current arrangement exemplifies the corrupt relationship between the United States and Iraq, which allows for exploiting oil resources in the present while American and Iraqi politicians remain nominally pledged to national reconciliation. This reasoning explains why Washington has not sanctioned American companies for engaging the KRG on oil exploitation in the absence of a federal structure.

The next American administration faces an important question for formulating future policy with respect to Iraqi Kurdistan, its oil, and the region's relationship with the rest of Iraq: how does one secure all three at once, or which is the most important? A critical starting point in resolving these questions is to use America's political weight to force a negotiated settlement between the KRG and Baghdad. The Petraeus Plan has brought increased security to many regions of Iraq; however, American diplomacy has been unable to complement physical security with the same degree of political dialogue.¹⁷ If the KRG and the Iraqi central government are induced to negotiate a nonpartisan oil law, the physical security provided by the Plan will allow for broader western investment in the [Continued, Page 23]

The Pentagon and Global Development: Making Sense of the DoD's Expanding Role

STEWART PATRICK AND KAYSIE BROWN*

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One of the most startling trends in U.S. development policy since September 11, 2001, is the growing involvement of the Department of Defense (DoD) in traditional development activities. Between 2002 and 2005, the share of U.S. official development assistance (ODA) channeled through the Pentagon budget surged from 5.6 percent to 21.7 percent, rising to \$5.5 billion.¹ At the same time, the Pentagon has also expanded its direct provision of non-ODA assistance, including for the training and equipping of foreign military forces, in numerous developing countries considered to be central battlegrounds in the “global war on terror.” These trends have stimulated concerns that U.S. foreign and development policies may become subordinated to a narrow, short term security agenda — at the expense of broader, longer-term diplomatic goals and institution building in the developing world — and that U.S. soldiers may increasingly assume responsibility for activities more appropriately conducted by civilians skilled in development challenges.² To date, however, there has been little independent analysis of: (1) the driving forces behind these trends; (2) the scope and nature of DoD's expanding role; (3) the instruments through which the Pentagon is implementing this new vocation; and (4) the likely impact, both direct and indirect, on development outcomes and broader U.S. foreign policy goals in target countries.

This working paper attempts to start filling these knowledge gaps. We attribute growing U.S. reliance on the U.S. military to carry out reconstruction, development, and capacity-building activities to three factors: an overwhelming focus within the Bush administration on programs that can help in the global war on terror, particularly in unstable, conflict-prone, and post-conflict countries; the vacuum left by civilian agencies, which struggle to deploy adequate numbers of personnel and to deliver assistance in highly insecure environments; and a general failure on the part of the U.S. government to

invest adequately in non-military instruments of global engagement, including by creating deployable U.S. civilian post-conflict capabilities. Looking at the numbers, we find that the overwhelming bulk of ODA provided directly by DoD goes to Iraq and Afghanistan, where violent operational environments often necessitate that the military take a lead role. This surge is in principle temporary, likely to disappear when the U.S. involvement in both wars ends. Beyond these two conflicts, however, DoD has expanded (or proposes to expand) its operations in fragile states to include a number of activities that might in principle be undertaken by the State Department, USAID and other civilian actors. These initiatives — including recent counter-terrorism programs, the new Africa Command (AFRICOM), and the proposed Building Global Partnerships Act — are liable to affect U.S. development policy, even where they involve non-ODA resources, by increasing DoD's influence over U.S. engagement with developing countries.

The Pentagon's growing commitment to addressing instability in fragile and post-conflict countries is a commendable response to demonstrable shortcomings in U.S. civilian agencies. Nevertheless, DoD's growing assistance role carries significant risks. If not carefully managed, it could displace or overshadow broader U.S. foreign policy and development objectives in target countries, as well as exacerbate the longstanding imbalance in the resources the United States currently budgets for military and civilian components of state-building.

WHAT'S DRIVING THESE TRENDS?

The growing reliance on U.S. military forces to carry out ostensibly civilian tasks of reconstruction, development and capacity-building reflects a combination of three factors: the perceived security imperatives of the “global war on terrorism,” including changing U.S. threat perceptions following 9/11 and the practical challenges of stabilizing and reconstructing Afghanistan and Iraq; the difficulties civilian actors confront in delivering aid in volatile contexts; and continued U.S. under-investment in U.S. civilian capabilities to advance security, good governance and prosperity in fragile and post-conflict states.

THE CHALLENGE OF FRAGILE AND WAR-TORN STATES

One of the major lessons of 9/11, as the President Bush enunciated in the National Security Strategy of 2002, was that the United States was “now more threatened by weak and failing states than we are by conquering ones.”³ No longer could the nation look with indifference upon poor and poorly governed developing countries, nor allow failed and war-torn states to stew in their own juice. In the ensuing five years, the Bush Administration has launched several piecemeal initiatives to translate this insight into practical policy. Within the civilian side of government, notable steps have included the creation of

the Office of the Coordinator for Reconstruction and Stabilization (S/CRS) at the State Department (August 2004); the release of USAID's Fragile States Strategy (January 2005); designation of the State Department as the lead agency to coordinate post-conflict state-building efforts (December 2005); and the announcement of a "transformational diplomacy" agenda (January 2006), designed to promote the emergence of democratic, well-governed states in the developing world, accompanied by a bold plan to overhaul the architecture of U.S. foreign assistance on behalf of targeted strategic goals.⁴ Unfortunately...these strategic pronouncements and institutional innovations have not been accompanied by commensurate investments in civilian U.S. agencies charged with addressing these new priorities.⁵

The Department of Defense, meanwhile, has proven much more nimble in reorienting its focus toward weak, failing and war-torn states. Chastened by its failure to plan for postwar Iraq and the chaos that resulted, the Pentagon has cast off its former aversion to nation-building. This shift was cemented in November 2005 with the signing of DoD Directive 3000.05, which declared that the U.S. military would henceforth treat "Stability, Security, Transition and Reconstruction (SSTR) Operations" as a core mission, on a par with combat operations.⁶ Decidedly broad in scope, this directive extends DoD's mandates and programs to a wide range of activities that are typically the province of civilian agencies, including reforming the security sector, establishing institutions of governance, reviving market activity and rebuilding infrastructure. While the directive openly recognizes that many of these tasks are more appropriately carried out by civilian actors and agencies, it also states that this may not always be possible in highly insecure environments or where such civilian capabilities do not yet exist.

Simultaneously, the Department of Defense is increasingly preoccupied with addressing the roots of instability and extremism in weak and failing states, and preventing their collapse into conflict. The intellectual rationale for this growing attention is spelled out in the most recent Quadrennial Defense Review (QDR), released in early 2006. As the QDR explains, the United States is engaged in a "long war" on global terrorism, where ungoverned and poorly governed zones serve as potential havens for terrorists, criminals, and insurgents whose goals are antithetical to those of the United State and its allies.

To combat these threats, the U.S. military must help developing nations build up their sovereign capacity (as well as will) to police their own borders and territories. These assumptions have inspired several DoD-led programs to build counterterrorism (CT) capabilities in developing countries, led by regional U.S. Combatant Commands (including several in Africa).

FILLING THE CIVILIAN VOID

DoD's increased involvement in post-conflict reconstruction, as well as the provision of counter-terrorism and other non-traditional security assistance, reflects not only the perceived operational requirements of the global war on terrorism but also the shortcomings of U.S. civilian agencies, notably the State Department and USAID, to mobilize and deploy adequate resources and personnel to meet them, including in situations of high violence or requiring a rapid response. As Iraq and Afghanistan attest, civilian agencies find it difficult to operate in "non-permissive" environments, where their security cannot be guaranteed, particularly in situations of active insurgency. This dilemma is compounded, however, by the failure of the executive branch and Congress to invest adequately in civilian capabilities that could be usefully employed in many instances.

An obvious case in point is the disappointing fate of the S/CRS office. In late 2005, President Bush issued National Security Presidential Directive (NSPD) 44, "Management of Interagency Efforts Concerning Reconstruction and Stabilization," which provided operational guidelines for the management of U.S. government interagency reconstruction and stabilization efforts. On paper, that directive gave S/CRS leadership within the executive branch for planning, preparing for, and running post-conflict operations. Practically speaking, however, S/CRS has been weakened by its failure to secure adequate resources to make a tangible difference on the ground in war-torn countries and to command respect within the U.S. government.⁷

AUTHORITIES VERSUS RESOURCES

This lack of adequate personnel and financial resources is not limited to S/CRS. More broadly, there is a fundamental mismatch between the authorities ostensibly granted to the State Department to lead the country's global engagement, including through the Foreign Assistance Act (FAA), and the modest resources actually allocated to State (and other civilian agencies) to fulfill this mandate, particularly when compared to the gargantuan budget of the Department of Defense. This asymmetry in resources drastically limits the capability of the civilian branch to advance the cause of state-building in fragile and war-torn states. So long as this imbalance persists, DoD will inevitably be called upon to fill the vacuum, not only in Iraq and Afghanistan but in future contingencies.

Addressing the roots of instability and violence in fragile states, not to mention the practical challenges of post-conflict reconstruction, requires a "whole of government"⁸ approach among the State Department, Department of Defense, and USAID, with greater attention to building institutional capacities of partner governments in the developing world. Unfortunately, the current budgetary outlays pose a major obstacle to a balanced partnership among U.S. defense, diplomatic, and devel- [Continued, Page 14]

The concept of sovereignty has changed dramatically over the past few centuries. The term originally signified exclusive control over territory. The Treaty of Westphalia (1648), derived from a notion of sovereignty as exclusive territorial control, marked the advent of the international state system. The system has become significantly complex over time through the creation of international organizations, such as the United Nations, to manage affairs between states. This system contains two paradoxes. One, the rules sovereign states designed to facilitate relations between them has evolved into a system that undermines sovereignty in a number of areas. Two, governments of states that do not have effective control over their population, such as Afghanistan, the Central African Republic, Chad, the Democratic Republic of the Congo, Somalia, and Sudan, do possess sovereign recognition at the international level, including the capacities to enter into treaties they cannot enforce and take sovereign loans their citizens must repay. The term sovereignty, originally intended to signify land under exclusive political control, has evolved into an international system that enforces the territorial integrity of states that lack this capacity. The modern practice of sovereignty, ironically, undermines its original concept.

This article examines the two paradoxes of modern sovereignty. It first reviews the concept of sovereignty, with a specific focus on how the notion of it has changed over time, from referring to exclusive territorial control to a complex international system of rules, and how the latter concept of sovereignty undermines the former. The article then discusses the second paradox, specifically how the modern system of sovereignty creates the conditions that allow failed states to exist, and even allows some states to exercise more influence outside their borders than within them.

EVOLUTION OF SOVEREIGNTY

International legal scholarship recognizes four meanings of sovereignty: (1) “Westphalian sovereignty,” the “exclusion of external actors from domestic authority configurations;” (2) “domestic sovereignty,” the “organization of public authority within a state and the level of *effective control* exercised by those holding authority;” (3) “interdependence sovereignty,” the ability of “public authorities to control trans-border movements;” and, (4) “international legal sovereignty,” the “mutual recognition of states or other entities.”⁴ I review the meaning of each below.

■ *Westphalian Sovereignty* is what most people refer to when using the term sovereignty. Its defining features are exclusive control over a territory and the exclusion of external actors from domestic authority over the area.⁵

■ *Domestic sovereignty* stems from the work of Bodin and Hobbes. Both political theorists recognized the importance of having a single source of political authority and law within the state as a fundamental basis for peace and stability.⁶ Although regimes take different forms—“autocratic and democratic, federal and unitary, parliamentary and presidential”—the defining characteristic of domestic sovereignty is the “authority structure within a given state,”⁷ or the chosen political regime. In the Hobbesian tradition, the modern state represents the stark alternative to anarchy.⁸

■ *Interdependent sovereignty* concerns questions of control rather than authority.⁹ Interdependent legal sovereignty determines the rules governing inter-state relations, such as those over trade, capital and labor mobility, internet communications, infectious diseases, and the work of non-state organizations. Moreover, authority in these areas is not related to domestic or Westphalian sovereignty. Rather, a “state can be recognized as a juridical equal by other states and still be unable to control movements across its own borders.”¹⁰

■ *International legal sovereignty* establishes the status of a state within the international system: recognition by other nation-states, entities and territories; diplomatic recognition and the extension of diplomatic immunity; having representatives of the state be accepted as members of international organizations, and; the ability of the state to enter into international agreements. International legal sovereignty also supplies the “necessary condition for rulers to compromise, voluntarily, aspects of their Westphalian sovereignty.”¹¹

Ironically, more formal rules to reduce transaction costs in managing relations between states (e.g., international legal sovereignty and interdependent sovereignty) complicate Westphalian sovereignty, the basis for all other concepts of it. Sovereignty is no longer only an exclusive characteristic of statehood, but also a procedural right to be shared and negotiated. Interdependent sovereignty and international legal sovereignty may be described as methods by which sovereignty is traded up or traded down to address various international problems.

Thus, presently, sovereignty is viewed in procedural terms as well as in terms of statehood. Sovereignty, therefore, is evolving into a pooling process in which a multitude of actors—state, quasi-state and non-state—now compete and cooperate to facilitate relations between states.¹² Accordingly, the concept of sovereignty as a process creates incentives for bureaucratic compromise over it, and thus has encouraged the rise of international institutions which now command considerable authority in the international system to manage a large part of inter-state relations.¹³

While international law in its original form operated on the assumption of the absolute sovereignty of the state, its 21st century iteration works through multilateral institutions

that assert the legal authority to barter sovereignty for and on behalf of ideals deemed acceptable in the international community. Today, multilateral treaties and conventions do not merely codify existing practices between states; in certain circumstances they can even act as a substitute for domestic legislation.¹⁴

A basic premise in understanding the relationship between international legal sovereignty and state behavior is that international institutions and the procedures through which they operate often act in a position superior to the power traditionally accorded to the state as the administrator of international and domestic legal obligations. Consequently, the original function of international law, facilitating relations between states, has evolved into a complex system of international organizations with varying degrees of autonomy. International obligations, previously administered under voluntary acceptance by agreement between sovereign nation-states, can now be created through international institutions acting under the broad authority of a general multilateral agreement or convention. These agreements can now also regulate areas of private party conduct and thereby serve as an alternative mechanism for domestic legislation. This poses two distinct burdens on states within the current international system.

First, international institutions are only loosely accountable to the citizens of the countries from which they derive their authority. An international institution or procedure only


acquires the right to make binding rules on behalf of its citizenry through state consent. International institutions do not have an independent source of legitimacy nor enforcement beyond state consent to membership. Sovereignty as a legal concept is thus eroded when domestic governments delegate to international institutions the capacity to enforce international legal obligations, such as the World Trade Organization's (WTO) Dispute Settlement System.¹⁵

Second, international legal obligations may prescribe new legal norms. If those legal obligations establish new rules of conduct without precedent or in the absence of customary or civil law, then they begin to function as would legislation in establishing positive law within a state. To create a level of international legislation through the ascension of sovereignty vis-à-vis multilateral agreements thus bypasses domestic jurisprudence. In so doing, this expands international legal obligations beyond state-to-state interaction and shifts it toward ordering states' legal conduct toward citizens within its own jurisdiction.

The modern evolution of sovereignty reveals its first paradox, the transformation of a system of rules to facilitate relations among sovereign states to one that erodes sovereign prerogative through mechanisms that place the authority to regulate their behavior at the international level. Below I examine how this system creates the conditions that allows for failed states.

SOVEREIGNTY AND FAILED STATES

Scholars have long noted the link between international guarantees of sovereignty and weak states.¹⁶ Prior to the international enforcement of sovereignty, any leader with control over a territory had to fear losing it to a more powerful rival. Consequently, at a minimum, rulers had strong incentives to govern sufficiently well to protect their territory. This system forced leaders to raise armies that were at least as powerful as their rivals or else they would be selected out of the international system. From this exigency derives Charles Tilly's famous dictum, "war made the state and the state made war."¹⁷ The incentives of the pre-modern state system were thus clear: govern well enough at home to secure your borders or lose them.



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The pre-modern state system was forgiving; the current one is coddling. Today, states do not get selected out of the system if they are weak. Rather, they receive international life support. Spanning the range from foreign aid and technical assistance to UN peacekeepers, the modern system of sovereignty has spawned an industry dedicated to retaining the territorial integrity of states that the international system recognizes. A system that guarantees sovereignty perversely reduces the incentives for effective government. For example, in a world without foreign aid, governments must build up systems of taxation to support their expenditures (or raise sufficiently powerful armies to be able to steal the wealth of others). Such systems strengthen bureaucracies and help foster links of accountability between the government and the governed.¹⁸ Plentiful foreign aid can foster the opposite. More importantly, the modern concept of failed states can only exist within our current international system of enforced sovereignty. Prior to the modern practice of external enforcement of sovereignty, weak rulers would lose their territory to more powerful rivals. Failed states, by contrast, can only exist in a system that does not allow countries to die, and thus represent the second paradox of sovereignty.

More perversely, the current international system permits many states to exercise greater authority beyond their borders than they possess within them, a concept without historical parallel. Failed states such as the Democratic Republic of Congo, Somalia, and Sudan have the capacity to enter into agreements at the international level that they are unable to enforce within their borders. Consider Somalia. The government of Somalia currently has a \$217 million aid agreement with the World Food Program, a UN agency.¹⁹ However, Somalia is unable to guarantee the safety of World Food Program aid workers.²⁰ Moreover, piracy off the coast of Somalia is rampant (see Womer Benjamin, *Piracy*, this issue). While the pirates threaten shipping throughout the region, according to international law, foreign navies need the consent of the Somali government to pursue these pirates when they are operating in Somali territorial waters, even though the government of Somalia is unable to end the practice and protect foreign ships operating off its coast. That the modern system of sovereignty, derived from agreements to reduce transactions costs between nations, can deter trade by allowing for failed states to survive is an unintended consequence of modern sovereignty. Nevertheless, these conditions can only exist because of that system.

CONCLUSION

The concept of sovereignty has changed dramatically over the past three centuries. A term that used to signify control over a territory by forces within a defined area has been formalized into a system where such power derives from entities outside states' borders. This article has

examined two paradoxes of modern sovereignty. One, it undermines the original concept of the term, exclusive territorial control. Two, while the system has greatly facilitated relations between states, it also allows failed states to exist and even permits the governments of some countries greater power outside their borders than they command within them. Although it would be wrong to condemn modern notions of sovereignty because it allows for the existence of failed states, it would be equally as myopic not to recognize that the system, in part, creates and perpetuates their existence.

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Democracy & Society
Volume 6 • Issue 2

ISSUE THEME

**Authoritarian
Consolidation, US
Foreign Policy and the
Future of Democracy
Assistance**

CALL FOR SUBMISSIONS

We are seeking well-written, interesting submissions of 800-2000 words on the themes below, including summaries and/or excerpts of recently completed research, new publications, and work in progress. **Submissions for the issue are due Friday, January 30, 2009.**

Authoritarian regimes are consolidating. During the 1990s, serious alternatives to democracy and free markets did not seem to exist. Such a contention can no longer be made. China and Russia provide models of state-led authoritarian capitalism. Authoritarian regimes are becoming more sophisticated in suppressing democratic movements as they learn how to manage more effectively the threats that civil society, political contestation, and the spread of new technology pose. Finally, powerful authoritarian regimes such as China, Iran, and Russia are coordinating at the international level to challenge the influence of the United States and its closest allies as well as thwart the spread of democracy. For the first time since the end of the Cold War, Western democracies, and the U.S. in particular, confront what appears to be an increasingly organized, systematic, and global economic and political challenge.

The consolidation of authoritarian regimes and increasing coordination among them poses serious foreign policy dilemmas for the United States and its traditional allies. Western European reliance on Russia for natural gas inhibits forging common foreign policy objectives between Western Europe and the United States towards Russia. Strong economic ties between China and the U.S. obstruct U.S. efforts to address the global political challenges China presents. Coordination between China and Russia on the UN Security Council has impeded U.S. and European efforts to place sanctions on Iran, Sudan, and Zimbabwe. Foreign aid from authoritarian regimes, most notably China, is challenging the existing system of extracting policy changes in exchange for aid because these new donors offer aid with far fewer conditions. Finally, authoritarian cooperation undermines U.S. democracy assistance programs as these regimes learn to suppress democratic movements more effectively.

This issue of Democracy and Society will analyze the causes, consequences and U.S. policy options in addressing authoritarian consolidation. We are interested in examining these subjects from the point of view of the U.S. and its allies as well as from the perspective of consolidating authoritarian regimes. We also welcome submissions that explore how these rising authoritarian powers are affecting the relationship between the U.S. and its traditional allies as well the functioning of multilateral institutions, such as the UN. Further, we are interested in writings that examine the implications of the authoritarian consolidation for democracy assistance programs.

Please email submissions (MS Word preferred) to cdats06@gmail.com. Endnotes preferred. Please include your name, department or organization, title, and contact information.

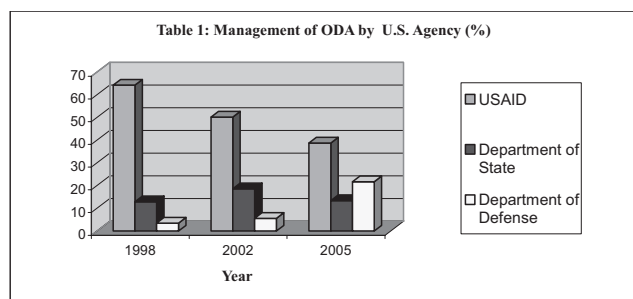
For additional information, please visit <http://cdacs.georgetown.edu/newsletter.htm> or contact Cory Julie at cdats06@gmail.com.

PATRICK AND BROWN, *Continued from Page 9*

opment assets (the so-called “3Ds”). Lieutenant Colonel David Kilcullen of the Australian Army, a senior advisor to General David Petraeus, commander of the Multinational Force in Iraq, puts the dilemma into stark relief:

At present, the U.S. defense budget accounts for approximately half of total global defense spending, while the U.S. armed forces employ about 1.68 million uniformed members. By comparison, the State Department employs about 6,000 Foreign Service officers, while the U.S. Agency for International Development (USAID) has about 2,000. In other words, the Department of Defense is about 210 times larger than USAID and State combined—there are substantially more people employed as musicians in Defense bands than in the entire foreign service.⁹

The massive capabilities and resources of the Pentagon exert a constant pull, tugging at civilian leadership in U.S. foreign policy. Because there is little prospect State will get adequate funds in the right accounts, there is a natural temptation to go in the other direction, by providing DoD with new authority (albeit temporary and circumscribed authority, at least to date). This trend is already evident in the changing proportions of total U.S. official development assistance (ODA) being spent by the Department of Defense and USAID. Between 1998 and 2005, DoD's share of ODA increased from 3.5% to nearly 22%, whereas USAID's decreased from nearly 65% to less than 40% in the same period¹⁰ (See Table 1 below). These figures do not include other forms of DoD foreign assistance that are not ODA-eligible but have a development impact.



Source: OECD DAC Peer Review of the United States (2006)

IMPLICATIONS OF RECENT TRENDS FOR U.S. FOREIGN POLICY AND GLOBAL DEVELOPMENT

The recent surge in Pentagon provision of ODA has not gone unnoticed within the international donor community. In its recent peer review of the United States, the Development Assistance Committee (DAC) of the OECD remarked on the “rapidly growing ODA role of the Department of Defense, particularly in insecure environments. The donor group reminded the United States that it was important “to maintain policies based on development experience and good practice and which avoid risks of

prejudicing achievement of sustainable and broad based development in the recipient countries. This should apply equally to implementation of development action by military institutions.”¹¹

As discussed, the budgetary numbers indicate that, at least for the time being, the vast majority of DoD-led ODA programs are earmarked for the ongoing conflicts in Iraq and Afghanistan. In light of the well-known security challenges inherent in providing development assistance in both countries, and the lack of civilian capacity to operate in such insecure environments, the preeminent role of DoD in these two states is in large part a tailored response to immediate needs, rather than a long-term structural realignment in the direct provision of ODA by the Pentagon. It is important, moreover, for the development community to acknowledge that in situations of extreme violence, as in the ongoing insurgency in Iraq, some normal development practices will inevitably take a back seat to operational realities. Certain development “best practices” may still be applicable – for instance, relying as much as possible on local labor and contractors. But at other times it may be simply impossible to reconcile the winning of “hearts and minds” — which may require targeting aid to critical constituencies or holding off on downsizing a bloated civil service — with standard developmental approaches appropriate to more settled situations.

Outside these two theaters of war, however, DoD's enhanced “shaping” mission — focused on capacity-building and other initiatives designed as to reduce instability and extremism in fragile states and prevent the spread of terrorism throughout the developing world — has significant implications for broader U.S. foreign policy and development objectives and programs. Given the resource imbalance between the U.S. military, on the one hand, and the State Department, USAID and other civilian agencies, on the other, there is some risk that the aid activities of the Pentagon and its Regional Combatant Commands could come to overshadow both symbolically and substantively the non-military aspects of U.S. engagement in the developing world. The resultant over-emphasis on short-term military dimensions of the global war on terrorism — as opposed to a more comprehensive strategy to addressing the long-term root causes of poor governance, instability and extremism in countries at risk — could have unintended consequences similar to those that arose during the Cold War, when the United States often purchased short-term acquiescence at the expense of long-term stability and sustained development.

While the Pentagon can hardly be expected to subordinate pressing security concerns to development goals, its relatively narrow focus makes the DoD ill-suited to the role of

generalized development agency. Going forward, a priority for the White House and Congress should be to foster greater symmetry and coherence between the military and civilian dimensions of U.S. engagement with fragile states. The goal should be to balance short-term, DoD-led counter-terrorist and stabilization efforts with the longer-term enterprise of helping to (re)build effective and accountable institutions of governance, which are the ultimate requirements of enduring security, stability, and economic growth. Fortunately, the prospects for such “unity of effort” are not as distant as they might seem, given growing recognition within and outside government of the urgent need for a more multi-faceted, “smart power” approach to the developing world.¹² Ironically, perhaps the biggest champion of more robust civilian capacities for engaging fragile states is the Pentagon itself, which increasingly recognizes the limits of what soldiers can do to build enduring institutions in unstable environments.

Over the past two years, DoD has embraced the mission of “capacity building” in developing countries, appointing Deputy Assistant Secretary of Defense for Partnership Strategy to implement this vision. In fragile states, this mission focuses primarily on building the operational capabilities of foreign security forces, with the aim of promoting internal control of the territory and borders of fragile states against transnational terrorists, criminals and insurgents whose aims are antithetical to U.S. interests. In post-conflict countries, it seeks to create a permissive operational environment for U.S. soldiers, by winning the support or at least acquiescence of host populations. By their very nature, however, these DoD programs tend to focus on quick results. And, as Pentagon officials are all too well aware, its aid efforts leave unaddressed the structural sources of grinding poverty, political alienation and instability in the world’s fragile states.

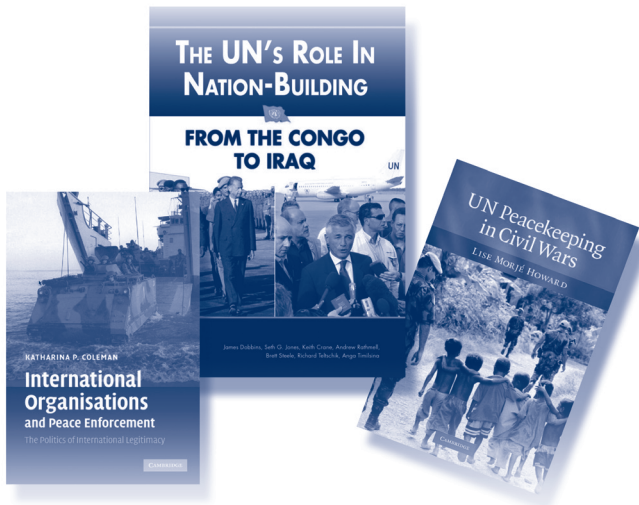
The development community may have something to teach the Pentagon about how to think about the “capacity building” mission. Among development professionals, the phrase has long denoted not only the transfer of skills but the building of effective and enduring local institutions that permit the state and society to realize long-term broadly shared economic growth, participatory governance, and social welfare. While the Pentagon conducts training programs to promote professionalism and civilian control of these foreign militaries, it gives relatively less attention to broader security sector reform—including the effort to ensure that military, police, and intelligence services and ministries are accountable to democratically elected governments. One of the priorities for DoD should be to work with the State Department, USAID, and other U.S. government agencies to develop an integrated, strategic approach to security sector reform in fragile and war-torn states.

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Book Reviews

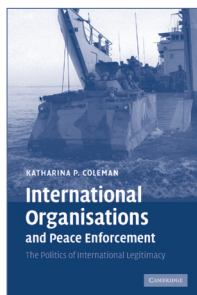
Democracy & Society



- *International Organizations and Peace Enforcement: The Politics of International Legitimacy* by Katharina Coleman
Review by Krzysztof J. Pelc
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- *The UN's Role in Nation Building: From the Congo to Iraq* by James Dobbins, et al.
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- *International Organizations and Peace Enforcement: The Politics of International Legitimacy* by Katharina Coleman

REVIEW BY KRZYSZTOF J. PELC



As a rule, political scientists looking at international legitimacy begin by pointing out how understudied their topic is. Inis Claude, writing in the 1960s, may have been somewhat more accurate in this claim that Katharina Coleman, who begins her recent book, *International Organizations and Peace Enforcement*, with a similar observation. Indeed, in the past decade, the

study of legitimacy has witnessed a genuine boom, with Ian Clark, Martha Finnemore, Thomas Franck, Ian Hurd, and Leonard Schoppa, among others, pointing to its effect on state behavior, and many more, such as Alexander Thompson and Lisa Martin, examining similar questions through a more rationalist lens. In this regard, scholars may be catching up to policymakers, for whom the perception of legitimacy is, and long has been, a prime concern, and to the public arena, where the vocabulary of legitimacy is frequently employed. In other words, studies of legitimacy, despite the eager disclaimers of their authors, are very much in vogue.

This renewed attention notwithstanding, what is still missing from the research program examining international legitimacy is a real understanding of the mechanism through

which legitimacy operates. When are legitimacy concerns most likely to play a role, what are the costs of illegitimacy, and how are they incurred?

Coleman's study provides a compelling account of five peace enforcement operations—Liberia, D.R. Congo, Lesotho, Kosovo, and East Timor—where in each case the lead state actor responding to the crisis seeks the legitimacy conferred on its use of force through an international organization (IO) mandate. Yet this account falls short of providing any sense of the mechanism through which legitimacy operates. We are left with the author's repeated claim that countries value "legitimacy as a good in itself" (e.g. 74). Such a claim simply defers the question of causality. The associated counterfactual unveils a new puzzle: since this good is costly, as Coleman forcefully argues, what would result from foregoing it and choosing autonomy instead?

Coleman's first claim is that getting IO mandates is costly. Be it delays, defiance of neighboring countries, or additional material costs resulting from the need to raise a coalition, all lead states involved in these operations pay a cost for their decision to channel their power through an IO. And the author successfully undermines two significant alternative explanations. As she demonstrates, IO mandates never result in true burden sharing, which is often pointed to as the immediate motivation behind IO sponsorship, nor do they necessarily render these operations legal by the standards of the UN. Taken together, these points sharpen the

puzzle: if IO mandates are so costly, yet they lead neither to burden sharing nor to true legality, then why do countries persist in seeking them? To be sure, undermining these conventional explanations does offer support for the author's claim about the importance of perceived legitimacy. But it does not further explain *why* it is that state leaders are concerned with such legitimacy in the first place.

Coleman comes close to providing a semblance of an answer when she (correctly) points to the crucial role of audiences (both domestic and international) in the working of legitimacy. And while this feels like a first step towards a standalone theory, it also undermines her dismissal of "logic of consequence" accounts (37-39). Indeed, a focus on audiences implies a focus on the means through which these audiences may deter or punish actions they disagree with. Different audiences can punish perceived illegitimacy in very different ways, and a more elaborate model might have led us to understand in which situations legitimacy concerns take on a greater or lesser role. Yet no such story makes it into the book.

The concern over the lack of a theoretical story is not due to methodological pedantry alone. The real danger of not pinning down the way in which legitimacy operates is that it reifies the concept, and progressively empties it of meaning. What the research program looking at legitimacy must avoid at all cost is that its chief concept become a buzzword, something vaguely desirable that is indistinguishable from successful state actions. Portraying it as a "good in itself" risks exactly that. Unless state leaders seek IO mandates to soothe their guilty conscience, there is a social mechanism lurking in here somewhere, one that is not elucidated in these pages.

The empirics are the book's strong point, and in parts they suggest what a general theory may have looked like. The author agrees that legitimacy is, overall, consensus driven—which is why the UN, as a global organization, is better placed than any other organization in assigning (il)legitimacy. Consensus, however, like legislative voting, would seem to lend itself to strategic action. Coleman's own account seems to confirm this: "South Africa dropped its objections [to the peace enforcement operation in the DRC] in exchange for Zimbabwe's approval of SADC auspices for South Africa's intervention in Lesotho" (283). This hardly comes across as purely norm-driven state behavior. State interests play a part in what gets branded as legitimate action, and a refusal to explore those underlying interests obscures the picture rather than clarifies it.

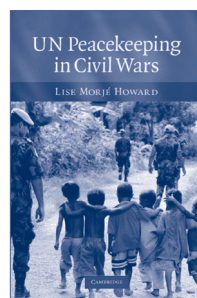
Finally, all five cases portray states going through IOs in their peace enforcement initiatives. The reason why there are no counterfactual cases or "near misses" in Coleman's research design, is that in her view, *all* peace enforcement initiatives to date have been driven through IOs. Perfect

predictions in an imperfect social world should lead social scientists to suspect trivial claims, or problematic causal inferences. To wit, is it that peacekeeping operations lead to the need for IO mandates, or is it that those mandates lead to peacekeeping operations, which would go by another name in the alternative? The greater point is that IOs are not independent of the intervention they endorse or condemn. Institutions play an early role in transforming the very nature of the intervention and our subsequent view of it. Coleman is conscious of the possibility of reverse causality, and does address it in passing, pointing out that "the definition of peace enforcement simply cannot be stretched to include invasions that openly seek to further national interests rather than at least claiming to promote international peace and security" (13). And yet, had the current invasion of Iraq earned a UN mandate, might it be perceived as a peace enforcement operation, and would it be another clear example of how states cannot use force without having recourse to international organizations? On this point, rather than defending a covering law type claim, to which Iraq is an awkward exception, Coleman might have been better off explaining the *variation* in states' behavior with regards to international legitimacy.

International Organisations and Peace Enforcement deserves to be read for the case studies alone. In exploring these, Coleman also cogently presents and applies the main insights of the international legitimacy literature; too bad she could not transcend it.

■ *UN Peacekeeping in Civil Wars* by Lise Morjé Howard

REVIEW BY ANDREW WRIGHT, *PhD Candidate, Government*



After numerous attempts in recent years to account for UN peacekeeping failures, it is refreshing to find a major new work dedicated to explaining the more successful cases of peacekeeping. Indeed, one of the major goals of *UN Peacekeeping in Civil Wars* is to demonstrate that the "public and scholarly perception of constant failure in UN multidimensional peacekeeping is incorrect" (p. 5). Lise Morjé Howard combines old arguments with new insights to create a parsimonious model in which three factors—consent of warring parties, UN Security Council consensus with moderate interest, and organizational learning in the UN Secretariat's peacekeeping operation office—are necessary and jointly sufficient to explain UN multidimensional peacekeeping success.

Howard's findings rest on an impressive array of ten case studies that offer rich descriptions and structured, focused comparisons of six recent peacekeeping successes and four

failures. Each one of the UN's multidimensional peacekeeping missions completed since the end of the Cold War is included. Namibia, El Salvador, Cambodia, Mozambique, Eastern Slavonia, and East Timor comprise the successes and are given the most attention, while Angola, Somalia, Bosnia, and Rwanda are analyzed more briefly in a chapter on failures. The numerous interview acknowledgments and appendices of UN documents and other sources reflect the years of field work and archival research that went into this project.

In the past, some have argued that peacekeeping success is directly related to situational difficulty, while others have linked success to the "political will" of the UN Security Council. Howard incorporates elements of both of these explanations into her model in a nondeterministic fashion, arguing that relatively tough missions (such as Cambodia) can achieve some success while relatively easy ones (such as Angola and Rwanda) are not immune to failure. Among the factors affecting the difficulty of a case, consent of the warring parties is the only one required for success. Security Council consensus is conducive to success but "very high and very low levels of Security Council interest tend to undermine the Secretariat's ability to implement mandates successfully" (p. 13). Success is more likely when the Secretariat and Security Council provide moral leadership and approval of a mission rather than micromanage it.

The most significant contribution of this book is in highlighting the causal importance of organizational learning, which correlates more consistently with success than either situational factors or consensus and interest by the Security Council. Howard distinguishes between first-level learning, which occurs *within* peacekeeping operations and primarily at the level of the Special Representative of the Secretary General (SRSG) and his or her staff in the field, and second-level learning, which occurs *between* missions at the level of UN headquarters. First-level learning, defined as "the increasing ability to engage in multidimensional peacekeeping," is most crucial to mission success (p. 15). Learning from experiences in the field enables UN representatives to change ground-level organizational structures which "in turn affect the actors in the organization and, more importantly, actors and structures in the post-civil war environment" (p. 15). In El Salvador, for example, UNUSAL leaders used their ground-level knowledge to work in conjunction with UN headquarters to cultivate the support of the US, regional actors, and the warring parties and to gradually alter those parties' goals. In Namibia, despite inadequate mission funding, UNTAG was permitted the autonomy from headquarters to implement innovative strategies (ranging from civilian police monitoring to an electoral code of conduct) on the basis of local cues and thus "integrate with its environment, respond directly to

the political needs of Namibian society, and carry out a successful operation" (p. 87).

Howard regards cognitive changes as "learning" only if they enhance the organization's ability to engage with its conflict environment. Learning may be *partial* if the UN is able to address some but not all components of a conflict (p. 19). Humanitarian coordination and civil-military relations, for instance, were eventually smoothed in Angola to achieve modest goals such as road de-mining, despite overall mission failure. Future research might explore types of learning which Howard disregards. In particular, the consequences of organizational *mislearning*, (i.e. misinterpreting circumstances or incorrectly attributing causes to observations and subsequently designing and pursuing bad strategies) could prove to be a fruitful avenue. The "Independent Inquiry on Rwanda," to give one example of mislearning, found that UNAMIR's mandate "was based on an analysis *which proved erroneous*, and which was never corrected despite the significant warning signs that the original mandate had become inadequate" (p. 31, emphasis mine).

The war on terrorism, while perhaps detracting some attention from humanitarian interventions, actually strengthens the resolve of the UN Secretariat and Security Council to engage in multidimensional peacekeeping in order to prevent civil war zones from creating terrorist havens. Indeed, in 2003, there were fewer civil wars than any time since 1978, and yet more peacekeeping and peacebuilding operations than ever before. In the penultimate chapter, Howard gamely reviews the ongoing multidimensional peacekeeping efforts that could one day falsify her model as the missions conclude; but for now the model provides substantial leverage over an important problem confronting the international community and appears solidly on the mark.

■ *The UN's Role in Nation Building: From the Congo to Iraq* by James Dobbins, et al.

REVIEW BY CHRISTINE OSOWSKI, *Master's of Security Studies* candidate at Georgetown University



The UN's Role in Nation-Building is another installment in a series produced by the RAND Corporation on lessons learned in nation building, and is best read as a companion to the 2003 publication, *America's Role in Nation-Building*. While the thrust of the book is the evaluation of UN performance in eight different nation-building missions, the last three chapters are spent comparing UN performance to that of the U.S. in the cases evaluated in the 2003 publication.

The findings on UN capabilities suggest that despite popular views to the contrary, the UN does have the ability to conduct peace enforcement missions (in addition to less demanding peacekeeping missions), so long as the scale is limited, capable troops from Western states serve as the core of the operation, and the mission has strong international backing (p. xix). This is not to say, however, that the UN does not continue to suffer from a number of weaknesses in its nation-building capabilities. Dobbins identifies six ongoing problems in UN missions: the slow deployment of military units; the slow arrival of police and civil administrators; uneven quality of the forces (military, police and civilian) contributed; dependence on member nations for funding; a mismatch between “ambitious mandates and modest means;” and the premature withdrawal of missions (p. xvii-xviii).

In comparing the UN and U.S. track records in nation-building, Dobbins views the overall UN performance more favorably. He argues that a key discriminator between UN and U.S. peacekeeping missions since the end of the Cold War has been organizational and institutional learning; while the UN has been able to learn from multiple missions and take advantage of institutional knowledge, the U.S. failed to draw on its experiences in the 1990s when it set out on missions in Afghanistan and Iraq.

Dobbins observes that there is a distinct difference in the American and UN styles of nation-building: UN missions tend to leave a smaller footprint and rely on “soft power” and international status for legitimacy, while U.S. missions are much larger and tend to rely more heavily on “hard power” to make up for a perceived lack of legitimacy (p. 245). Dobbins does note that the typically small size of UN missions is not always by design, but oftentimes a necessity due to the reluctance of countries to contribute troops to these missions. Based on the experiences of Iraq and Afghanistan (in which the U.S. attempted unsuccessfully to use the “light footprint” approach), Dobbins concludes that the U.S. should stick to its style of “supersizing” nation-building missions (p. xxx).

The book’s findings are derived from an examination of eight case studies of UN intervention: the Congo; Namibia; El Salvador; Cambodia; Mozambique, Eastern Slavonia; Sierra Leone; and East Timor, as well as eight additional cases of American intervention assessed in the earlier volume. For each case, Dobbins provides a synopsis of the conflict prior to the intervention, specific challenges in the scenario, roles of the actor(s) involved and the outcome of the intervention. Challenges, roles and outcomes for each case are analyzed through the lens of the “core functions of a state,” which mirror the “four pillars” of a capable state identified by Robert C. Orr in *Winning the Peace* (Center for Strategic and International Studies, 2004): Security; Governance and participation; Social and economic well-

being; and Justice and reconciliation. The benefit of using this function-oriented framework is that it allows for easier comparison across several cases and supports the identification of quantifiable measures for both the inputs and outputs of the operations.

One of the biggest shortcomings of the book is that it struggles to take into account the varying scope and objectives of each of the cases. The cases were selected using a rather loose definition of nation building: “The use of armed force in the aftermath of a conflict to promote a transition to democracy” (p. 2). This definition fails to address many of the core functions of a state identified by Orr and touched on by Dobbins in this analysis. Furthermore, most of the cases in the book identify a “transition to democracy” exclusively with oversight of a single election cycle, which seems hardly sufficient in characterizing a genuine democratic transformation.

The book also suffers from its rather incongruous addition of Iraq as a final case, evaluating the U.S. role in rebuilding efforts there to date. Such an analysis seems out of place in a volume treating UN operations, and would have been well-served instead to focus exclusively on the UN dimension of the U.S.-led mission. The inclusion of the Iraq case is perhaps meant to support the broader argument that unlike the UN, the U.S. has not been able to learn from its previous nation-building experiences. However, to explain the shortcomings of the American missions in Afghanistan and Iraq in such a way ignores the fact that these missions were not framed in nation-building terms from the outset, but rather in exclusively military ones. The Bush administration’s consistently adamant opposition to nation-building activities, moreover, makes it all the more difficult to try and understand Iraq and Afghanistan through the lens of nation-building.

Despite the challenges posed by the case selection, this book successfully provides a basic history and analysis of several UN nation-building attempts across a 40-year span, and offers a valuable framework for evaluating future nation-building efforts. Readers of this volume may also be interested in the third publication in the series: *The Beginner’s Guide to Nation Building*, which aims to more fully bring together the findings on both the UN and U.S. performance in order to provide policymakers with a handbook of sorts for engaging in future nation-building efforts.

PEACE-BUILDING AND ITS ALTERNATIVES

The international community's responses to crises of state frailty and weakness can be grouped under four headings: peace-building, territorial restructuring, shared sovereignty/neo-trusteeship arrangement, and critical analysis/zones of statelessness. As illustrated in Table 1, each response takes a different perspective on state sovereignty and the role of international intervention.⁴

Table 1: Types of International Engagement in Frail States

	<i>Reinforce Sovereignty</i>	<i>Retrench Sovereignty</i>
<i>Interventionist</i>	Peace-building	Shared Sovereignty/ Neo-trusteeship
<i>Non- interventionist</i>	Territorial Restructuring	Criticalism/Zones of Statelessness

The international community's preferred method for dealing with fragile states is to diffuse the problems of internally torn states by reviving state capacities to manage internal conflicts. These peace-building efforts are commonly justified by humanitarian concerns and the (still largely untested) belief that internally fragmented states pose a danger to international peace.⁵ Often spearheading these efforts are offers by Western powers to dispatch aide, training, technology, and advisors to armies and police forces aimed at making these dysfunctional state institutions both more effective in the deployment of force and more accountable to the rule of law. Actualizing state sovereignty over territory, it is believed, obviates the need for continued reliance on non-state militias. But peace-building exercises generally, and security sector reform specifically, have been dogged by an absence of "political will" both on the part of domestic actors to abide by the spirit and letter of reforms and the commitment of the international community to enforce them. Even after formal changes in security institutions are enacted, a repertoire of repression is rarely forgotten. The lines between the formal and informal spheres, and state and non-state actors, remain hazy, allowing security services to continue to outsource violence deployment. For example, prominent figures in Afghanistan's parliament and cabinet continue to command significant independent military forces in various provinces and are closely tied to the heroin trade. Colombian and Mexican police and army officers are known to collude with drug cartels. The very domestic actors charged as partners in upholding state authority, then, also play the subversive role of spoilers. The international community turns a blind eye or even

promotes such state-organized crime so far as it is deemed necessary to enhance stability.⁶

The current peace-building approach relies too much on carrots to entice leaders to exert direct control over force, when what it really needs are sticks to coerce them comply. Since the international community remains loath to annul sovereignty, peace-building is fundamentally premised on the need to respect and abide by the wishes of the host states. International legal cannons are only just beginning to penalize states and regime members for sponsoring morally objectionable actions like those of the Sudanese *janjaweed*, who appear to be working both at the behest of the state and beyond its control.⁷ More important than plausible deniability, though, is the question of the incentive to actually seek a monopoly over the use of force. So long as international involvement protects weak states from external threat, there is little reason to buy into security reform. Edward Luttwak and others argue for allowing the intensification of interstate conflict to weed out dysfunctional states and reserve sovereignty for only those political entities that successfully approximate the Western model of development. The effect of such a policy, though, would be manifestly perverse.⁸ There is no reason to believe that states that enjoy near monopolies over force will be less reticent to use (or abuse) such power than those that share it with non-state actors. In the 1970s and 1980s, Iraq under Saddam Hussein possessed one of the largest armies in the world, allowing it to engage in foreign wars that claimed the lives of hundreds of thousands. The fragmentation of Iraq's military into a collection of militia and paramilitary groups, while still posing a severe threat to human security, at least diminishes the danger of larger scale war. Indeed, some studies suggest that, at least in the short term, heightened external threat make states *more* likely to attack segments of the population deemed potentially hostile.⁹ In Rwanda, for instance, the mobilization of the Hutu-supremacist militias and the subsequent mass killing of the Tutsis was the last gasp of a state that had suddenly been denuded of all external defenses due to the loss of its superpower sponsors. Even as these Hutu militias ravaged defenseless civilians, the invading Tutsi exile army easily overran the country.¹⁰ In a sense, the cure for state weakness may be worse than the disease itself.

If the causes of state weakness inhere not in individual states but in the opportunities and constrains the international system places upon them, then a more useful perspective would be to reconsider the system's fundamental features, particularly the normative allocation of sovereignty and the material distribution of power. This entails recognizing the enormous and often unbridgeable gap between the assumption of self-determination and actual power to govern, and eschewing the conventional wisdom that the state and its police are "indispensable to the task of fostering

and sustaining livable political communities in the contemporary world.”¹¹ To use Machiavelli’s terms, instead of “imagin[ing] republics and principalities that have never been seen or known to exist,” it requires looking beyond the state for ways to provide security and order to society.¹²

The primary practical alternative to the peace-building approach has been various forms of neo-trusteeships and shared sovereignty arrangements. These are premised on the belief that when a state falls too far short of providing order in its territory, the international community must ignore the pretensions of sovereignty and intervene directly. The United Nations and other international bodies have mechanisms to revoke a state’s mantle of self-determination and authorize a mandate for international trusteeship. International peacekeepers replace the state’s security services, as alternative legions of international experts assume oversight for other state functions.¹³ These interventions, however, suffer from the same practical limitations as peace-building. If it is difficult to get domestic parties to take ownership of security sector reforms when the international community is offering advice and counsel, then resistance is almost inevitable when such reforms are imposed by mandate. Equally important, as shown by a host of cases of colonial occupation and the American experience in Iraq, intervening powers are liable to shirk the necessary investment of time, money, and personnel to make thorough changes in military institutions and break patterns of violence devolution. More damning, they may then use the failures of reconstruction efforts as a pretext to continue insinuating their own power over the subject state.¹⁴ Unsurprisingly, many developing states promote a thick, irrevocable concept of sovereignty in order to prevent Western powers from using interventions to upend their fragile hold on power. Thus, neo-trusteeship rapidly becomes a form of liberal imperialism, with all the pathological trappings of dependence, domination, and defiance of its predecessors.

CRITICAL ANALYSIS AND THE RETREAT OF THE STATE

Critical analysis is most skeptical of the necessity of sovereign states to realize human security, and in turn, invites the relegation of states to mere minority providers of security. There is an absurdity in the international community’s anointment of the state and resistance to dealing with non-state actors, given Charles Tilly’s now well-known argument about the indistinguishable nature of state-making and organized crime.¹⁵ Yet the fetishization of the state continues, as expressed recently in the U.S. Army War College’s official journal: “Militias are most damaging [to American policy in Iraq] because they weaken government influence by providing unofficial (and effective) security in localized areas using illegal methods.”¹⁶ If militias, warlords, and other non-state entities actually provide much-needed security to society, then engaging these very forces should be the

focus of the international community’s efforts, not resur-recting defective states.

After all, in much of the world, the state itself is an artificial political framework. Some states lack the bare economic resources to build an effective bureaucracy that can oversee and execute the provision of security. Instead, individual neighborhoods, villages, and clans rely on local indigenous elites and networks of violence-wielders to enforce order, with the formal state apparatus relegated to a distant patron.¹⁷ For example, Somalia has functioned without a formal state for over a decade, yet the co-optation of armed youth by tribal leaders, businesses elites, religious figures, and non-governmental organizations has been critical to establishing a livable order.¹⁸ Vadim Volkov’s analysis of Russia’s “violent entrepreneurs” in the 1990s details a similar process in which non-state actors supplanted the state as security provider and were co-opted back under the state’s nominal umbrella.¹⁹ Moreover, the Iraqis’ experience with forced conscription, perpetual domestic terror campaigns, and international intimidation shows that the state itself can be the greatest danger to human security.²⁰ Mancur Olson’s parable of the stationary bandit offers an illustration of the way order can emerge purely out of the self-interested action of societal violence-wielders.²¹

Entrusting violence to non-state agents is no panacea, however. Notwithstanding the theoretical proposition about the possible emergence of “warlord democracy,” Ken Menkhaus documents how reliance on militias reinforces patrimonial and patriarchal relations within society, retarding social development and modernization.²² At best, such arrangements degenerate into closed bargains among oligopolistic elites like in Colombia, where each regional faction is permitted to maintain its own private militia in the manner of a feudal baron. At worst, they collapse into civil war, as in Lebanon. Stateness—the ability to impose the rule of law equally on all citizens—remains a prerequisite for democratic consolidation.

Diluting sovereignty from an absolute to a relative and divisible dimension of statehood offers a way to normalize the activity of non-state violence-wielders. The sovereignty of failed states can be annulled or subsumed under the domain of regional and international organizations; likewise, new emerging claimants to statehood can be recognized. Most importantly, as Chris Clapham writes, the *terra nullius*, where the state’s reach is minimal and local warlords, militias, and barons maintain actual control, must also be acknowledged, admitted, and integrated into the international system.²³ In such cases, the greatest danger stems from state strength, not weakness. For decentralized arrangements such as in Iraq, Lebanon, Indonesia, and Colombia to work, external threats must remain muted.

International efforts, therefore, should focus on ways to prevent states from building up military capacities that might threaten their neighbors and incite a spiraling regional arms race. Only the assurance of impotence can deliver the promise of peace.

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Kurdish and Iraqi oil industries.¹⁸ As long as the United States plays to various ethnosectarian interests and does not prioritize its own regional interests, the security of a unified Iraq will be temporary. Forcing real dialogue and extracting real concessions from the KRG and the central government in the interest of long-term stability must be an essential characteristic of future American policy.

The current situation regarding Kurdish oil seems to be a Catch-22 for Iraq and for American foreign policy. Current exploitation of KRG-controlled resources is prompted by the political impasse in the federal government over revenue-sharing and the economic incentives to risk-acceptant investors. The United States considers an equitable revenue-sharing agreement to be a key benchmark of political reconciliation; however, hyperpartisan infighting among Iraqi factions is preventing agreement on the draft law and the United States' inability to reconcile its security and economic interests prevent effective sanctions against intransigent actors in Baghdad and the KRG. The American oil industry finds its best interest in exploiting the present ethnosectarian divide even as factions within the American government are spending ever more energy trying to stabilize the country. Iraqi Kurdistan's autonomy and the United States' inability or unwillingness to prevent local leadership from exploiting available hydrocarbon resources give the KRG the financial means to engage in a separatist agenda. Current American policy is counterproductive: real pressure is needed for a negotiated settlement of ethnosectarian issues that will achieve what current corruption and envisaged partition cannot. Absent the arrival of leaders interested in Iraqi reconciliation, the current conditions will persist, continuing to destabilize Iraq and undermine American long-term objectives.

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