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STATE FRAGILITY, THE PEACEBUILDER'S CONTRACT,
AND THE SEARCH FOR THE LEAST BAD STATE

Michael Barnett

EUROPEAN UNIVERSITY INSTITUTE, FLORENCE
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For further information:

European Report on Development

Robert Schuman Centre for Advanced Studies

European University Institute

Via delle Fontanelle, 19

50016 San Domenico di Fiesole (FI), Italy

Fax: + 39 055 4685 770

E-mail: erdsec@eui.eu

Abstract

This paper develops two claims that follow from two general conclusions from recent re-search on peacebuilding and post-conflict reconstruction. The first is that international peacebuilders are fairly good at ending violence and at producing stability, but are less talented at creating liberal states. In order to understand why, Section I develops the concept of the “peacebuilders’ contract”, which is intended to map the kinds of strategic interactions that are likely to unfold between peacebuilders and local élites and capture why these interactions are likely to favour the status quo preferred by local forces. Following on the general recognition that international peacebuilders are limited in what they can produce, the second conclusion concerns the need for peacebuilders to be more strategic in their thinking and to be satisfied with producing small victories that can support the emergence of decent governments which provide the foundations for future movements towards a positive peace. These observations and their implications are applicable not only to post-war interventions, but also to the broader international agenda of fixing states.

Keywords

Peacebuilding; failed states; postconflict administration

1. The Peacebuilder's Contract^{*1}

Contemporary peacebuilders aspire to do more than just to end violence – they also intend to remove the root causes of violence and create the conditions for a positive peace. It is not enough that former combatants go to their respective corners, disarm, or recognise that a resumption of violence will generate more costs than benefits. In order for there to be a stable peace, war-torn societies must develop the institutions, intellectual tools, and civic culture that generates the expectation that individuals and groups will settle their conflicts through non-violent means. Peacebuilders aspire to remove the root causes of violence and create this pacific disposition by investing these post-conflict societies with various qualities, including democracy in order to reduce the tendency towards arbitrary power and give voice to all segments of society; the rule of law in order to reduce human rights violations; a market economy free from corruption in order to discourage individuals from believing that the surest path to fortune is by capturing the state; conflict management tools; and a culture of tolerance and respect.

There are various explanations for why peacebuilding operations have fallen far short of this ambitious goal of creating a good society. Perhaps the simplest explanation is that peacebuilders are expecting to achieve the impossible dream, attempting to engineer in years what took centuries for West European states to achieve, and doing so under very unfavourable conditions. Peacebuilding operations confront highly difficult conditions, including a lack of local assets, high levels of destruction from violence, continuing conflict, and minimal support from powerful donors and benefactors.² Another explanation faults the peacebuilders, for failing to realise that their goal of transplanting a liberal-democracy in war-torn soil has allowed former combatants to pursue aggressively their existing interests to the point that it rekindles the conflict. In their effort to transform radically all aspects of the state, society, and the economy in a matter of months, peacebuilders are subjecting these fragile societies to tremendous stress. States emerging from war do not have the necessary institutional framework or civic culture to absorb the potential pressures associated with political and market competition. Consequently, as peacebuilders push for instant liberalisation, they are sowing the seeds of conflict, encouraging rivals to wage their struggle for supremacy through markets and ballots.³ Shock therapy, peacebuilding-style, undermines the construction of the very institutions that are instrumental for producing a stable peace.

* Paper prepared for the Workshop on “Transforming Political Structures: Security, Institutions, and Regional Integration Mechanisms”, organised by the European Report of Development in Florence, Italy, 16-17 April 2009.

¹ This paper draws considerably from previous work I have done with Christoph Zuecher and Jack Snyder. I developed the concept of the peacebuilder's contract with Christoph Zuecher, and the detailed argument can be found in our “The Peacebuilder's Contract”, in: R. Paris & T. Sisk, (eds), *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, (New York: Routledge, 2008); and we formalise the model in Michael Barnett, Songying Fang & Christoph Zuecher, “The Game of Peacebuilding,” unpublished manuscript. The argument in favour of strategies for building decent states is developed in Michael Barnett & Jack Snyder, “The Grand Strategies of Humanitarianism”, in: Michael Barnett & Tom Weiss, (eds), *Humanitarianism in Question: Power, Politics, and Ethics*, (Ithaca NY: Cornell University Press, 2008). Also, I argue against liberal peacebuilding and in favour of what I call “republican peacebuilding” in: “Building a Republican Peace: Stabilizing States after War”, (2006) 30 *International Security*, pp. 87-112.

² Simon Chesterman, *You, the People: The United Nations, Transitional Administration, and State-Building*, A Project of the International Peace Academy, (Oxford-New York: Oxford University Press, 2004); Michael Doyle & Nicholas Sambanis, *Making War and Building Peace*, (Princeton: Princeton University Press, 2006); and Robert Orr, “The United States as Nation Builder”, in: R. Orr, (ed), *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, (Washington DC: CSIC Press, 2004).

³ Roland Paris, *At War's End*, (New York: Cambridge University Press, 2004); Paul Collier, *Wars, Guns, and Votes: Democracy in Dangerous Places*, (New York: Harper, 2009).

This paper offers an alternative: peacebuilders have adopted strategies that have re-inforced previously existing state-society relations - weak states characterised by patrimonial politics and skewed development. How so? Let us begin with assumptions regarding the preferences of three key actors: the peacebuilders, state élites, and local élites. As their name suggests, peacebuilders want to build a peace. And, as illustrated by recent reports produced by various documents connected to the European Report on Development, international peacebuilders have big eyes. They aspire to remove the root causes of violence and create this pacific disposition by investing post-conflict societies with various qualities, including democracy in order to reduce the tendency towards arbitrary power and give voice to all segments of society; the rule of law in order to reduce human rights violations; a market economy free from corruption in order to discourage individuals from believing that the surest path to fortune is by capturing the state; conflict management tools; and a culture of tolerance and respect.

Although peacebuilders (PBs) may have a variety of preferences and preference ordering, the model assumes two critical preferences. They want to implement reforms that lead to a liberal peace. In other words, they want to deliver services and assistance that will create new institutions that (re-) distribute political and economic power in a transparent and accountable way. However, they operate with limited resources and seek to minimise casualties. Accordingly, stability, that is, the absence of war and a stable partner in the capital, is an important pre-condition for the security of the peacebuilders and their ability to implement their liberalising reforms. Consequently, peacebuilders prioritise stability over the kinds of structural reforms that are posited to produce the kind of liberal peacebuilding that they desire.

Local élites want to preserve their political power and ensure that the peace implementation process either enhances or does not harm their political and economic interests. The political and economic survival of state élites depends on their ability to co-opt or to deter challengers from the periphery; their complicity usually does not come cheaply, which means that they must finance their patronage system. State élites will thus try to balance the opportunities that peacebuilders offer with the threats that the implementation of liberal peacebuilding poses to their survival strategy. Other élites, namely, those who are not part of the central government, are likely to want to maximise their power and their autonomy. In fact, the war might have strengthened their hand. A typical consequence of war and the collapse of state services (if they ever really existed) is that individuals and groups looked beyond the state and toward their local communities and parallel organisations for their basic needs. Consequently, rural élites can be a relative beneficiary from the conflict. In any event, they will want to make sure that they do not lose in any peace dividend or post-conflict state-building process. Like state élites, rural élites will attempt to capture the resources offered by peacebuilders while minimising the costs that reforms might pose to their local power and autonomy *vis-à-vis* the central government.

Because peacebuilders, state élites, and secondary élites are in a situation of strategic interaction, in which their ability to achieve their goals are dependent on the strategies of others, they will strategise and alter their policies depending on (what they believe that) others (will do). Peacebuilders face considerable material and normative international constraints. They are condemned to obtain results with limited resources, under great time pressure, and with minimal casualties. The international community has rarely spent lavishly on peacekeeping or on peacebuilding exercises; indeed, the higher the projected cost, the less likely is the UN Security Council to authorise the operation. Not only are peacebuilders expected to perform near miracles without the requisite resources, but they are also expected to do so with amazing speed because the international community suffers from attention deficit disorders and will quickly lose both interest and patience. There are also normative constraints. Indeed, peacekeepers and peacebuilders operate according to the principles of consent; they are expected to negotiate with, and gain the co-operation of, the targets of their intervention in order to ensure that the intervened gain “ownership”. In fact, the more necessary enforcement mechanisms are to achieve the mandate, the greater the costs of the intervention become; and as the costs increase, so, too, does the likelihood of the cessation of the peacebuilding operation. These constraints generate a

strong desire on the part of the peacebuilders for *security on the cheap*. Consequently, local actors who are necessary for the production of stability will have a strengthened hand. Furthermore, the ability of peacebuilders to enact their liberalising reforms is also highly dependent on the co-operation of local élites. Peacebuilding will succeed only if élites co-operate in a process that they are presumed to own.

The ability of local élites to achieve their preferences is dependent both on the actions of peacebuilders and on each other. The resources that peacebuilders can allocate, however limited, usually dwarf those of the state budget of the target country, and their allocation can have important consequences on the distribution of political and economic power. Consequently, state élites will treat the international presence not only as a potential constraint, but also as a potential opportunity. This is not a new development. During the age of imperialism, local actors frequently attempted to attract international attention and resources in order to enhance their political position *vis-à-vis* local rivals, and during the Cold War, state élites attempted to attract the attention of Cold War in order to garner strategic rents which they, in turn, could distribute domestically in order to bolster their political support. Moreover, peacebuilders can confer legitimacy on local élites, choosing to treat some of them as important political powers, or as agents of political communities, thus enhancing their bargaining power over their rivals.⁴ However, in a situation of élite competition, what is viewed as a positive externality by one party is likely to be treated as a negative externality by another. Consequently, state élites will attempt to steer international peacebuilders in a direction that furthers their interests.

In order to imagine the kinds of interactions and outcomes that might ensue, imagine a simple model of a two-person game.⁵ The game begins when the peacebuilders (PBs) undertake a set of activities that can generate negative or positive externalities for the population in the country. PBs bring highly needed resources which can be life-saving in many instances, and which are critical for the rebuilding of the country. PBs can also have goals that are diametrically opposed to those of local élites, especially when PBs encourage the pluralisation of politics or enhance the position of rivals. Thus, externalities, in their intensity, and whether they are positive or negative, will differ depending on how they are viewed by distinct constituencies. Local élites can respond to these externalities in a variety of ways, from coercive to non-coercive. At one extreme, they might intimidate, threaten or carry out violence against PBs. At the other extreme, they might actively co-operate with PBs, contributing manpower, resources, and time. Regardless of the exact response, the crucial issue is whether local élites accept the peacebuilding reforms as presented, or whether they insist on a modification. When local populations accept, they engage in activities that support, encourage, or reward PBs; when they insist on modification, they engage in activities that are intended to force peacebuilders to alter the content and delivery of programmes so that they are more consistent with their preferences. There are four stylised outcomes: co-operative peacebuilding, co-opted peacebuilding, captured peacebuilding, and confrontational peacebuilding.

What are the likely dynamics between liberal peacebuilders and *status quo* oriented élites? If the state élites accept the peacebuilding programme, then the game ends with co-operative peacebuilding. Peacebuilders are able to design and implement their programmes with the knowledge that they will receive the co-operation and assistance of the local élites. More probably, however, local élites will attempt to alter the content and implementation of these programmes so that they are consistent with their own interests. If PBs accept these conditions, then the outcome is captured peacebuilding.

⁴ On impact of aid, see James Boyce, *Investing in Peace*, (New York: Oxford University Press, 2002); and Fiona Terry, *Condemned to Repeat? The Paradox of Humanitarian Action*, (Ithaca NY: Cornell University Press, 2002).

⁵ Barnett & Zuecher, "The Peacebuilder's Contract", introduces further addendums that differentiate between state and peripheral élites.

Peacebuilders become little more than the agent of local élites and international resources are transferred from international to local actors, who have control over their allocation and use.⁶

It is doubtful, though, that peacebuilders will accept a situation in which they become the patron of a transitional government, especially one that is comprised of warlords and former combatants. Consequently, they are likely to present conditionality criteria that demand that local élites accept the legitimacy of local reforms in return for international support. If state élites accept these conditions, then they and peacebuilders are engaged in co-opted peacebuilding: both peacebuilders and the local élites have altered their policies and strategies in order to accommodate the preferences of the other.

There is the possibility, though, that peacebuilders and state élites are not able to reach a compromise, continue to resist the demands of the other, and begin to consider more coercive instruments. Although peacebuilders have few coercive measures available to them, in rare circumstances they might threaten to go to the Security Council and ask for enforcement action or armed protection; however, it is more likely that peacebuilders will threaten either to curtail their activities or withdraw altogether. State élites might resist the incursions of peacebuilders or attempt to modify their policies by resorting to a range of coercive tactics, from intimidation to the threat and the use of violence. In such a scenario, the game becomes confrontational and may even become deadly.

Their strategic interactions can lead to one of four possible outcomes: *co-operative peacebuilding*: local élites accept and co-operate with the peacebuilding programme; *compromised peacebuilding*: local élites and peacebuilders negotiate a peacebuilding programme that reflects the desire of the peacebuilders for stability and the legitimacy of peacebuilding and the desire of local élites to ensure that reforms do not threaten their power base; *captured peacebuilding*: state and local élites are able to redirect the distribution of assistance so that it is fully consistent with their interests; or, *confrontational peacebuilding*: the threat or use of coercive tools by either international or domestic actors to achieve their objectives.

Compromised peacebuilding is the equilibrium outcome of this game because, in terms of preferences over outcomes, PBs prefer co-operative peacebuilding to compromised peacebuilding to confrontational peacebuilding to captured peacebuilding, and state élites prefer captured peacebuilding to compromised peacebuilding to confrontational peacebuilding to co-operative peacebuilding. Neither will be able to achieve its preferred outcome of either co-operative or captured peacebuilding (these are ordinal rankings); both would prefer confrontational peacebuilding to either captured or co-operative peacebuilding because it would distort (in the case of peacebuilders) if not threaten (in the case of state élites) their core interests. Compromised peacebuilding, therefore, becomes the equilibrium outcome because the parties have little incentive to defect once the agreement is negotiated.

There are various reasons why peacebuilders and state élites will be satisfied with this outcome. Peacebuilders achieve security alongside an acknowledgement of the legitimacy and desirability of reforms. They have developed a culture of principled pragmatism, ready to make compromises in the face of hard realities. They have an organisational interest in demonstrating success, especially once they have committed resources to the operation. Finally, they know the preference rankings of state élites and thus can anticipate that, if they defect and attempt to revise the bargain, then state élites are likely to resist. There are various reasons why state élites will also be satisfied with this outcome. They receive international resources that they can use to maintain their support at home. They receive international recognition of their political standing. Finally, they know the preference rankings of peacebuilders and thus can anticipate that, if they defect and radically attempt to revise the bargain in their favour, the peacebuilders might depart.

⁶ This situation is more likely in situations of extreme violence and instability, when peacekeepers and aid workers are dependent on local warlords, militias, and combatants in order to carry out their mandates and for access to populations at risk.

Compromised peacebuilding becomes something of a peacebuilder's contract – they have negotiated an arrangement in which each party has specific responsibilities and receives specific rewards. Peacebuilders agree to provide international resources and legitimacy for state élites in return for stability and acknowledgement by state élites of the legitimacy of peacebuilding reforms. Consequently, this contract re-inforces the *status quo* even if it leaves open some possibility for reform. In other words, the reforms that do take place will unfold in a way that protects the interests of local élites. There are good, strategic reasons why peacebuilding potentially shapes the “degree of the state”, but has little impact on the transformation of the “kind of state”.

This outcome can also be seen as *symbolic peacebuilding*. In this way, it resembles what sociological institutionalists call “ceremonial conformity”. The actor, or organisation, wants to maintain the stream of material and normative benefits required for its legitimacy and survival, but fears that full compliance will be too costly.⁷ Consequently, it adopts the myths and ceremonies of the organisational form, but maintains its existing practices (and, in this way, organisational form and practices become decoupled). It is symbolic, or ceremonial, peacebuilding, therefore, in that the symbols of reform have been transferred, and thus there is the surface appearance that there has been a transformation of the kind of state, that is, toward a liberal-democracy, even though the existing power relations have largely emerged unscathed. That said, symbols can matter. Once state élites have committed themselves to certain principles, these public commitments can be used by liberalising elements at home and abroad to try and force them to keep their word. Moreover, these symbols can encourage existing actors to reprioritise their interests and develop new networks of associations, which can, over time, build support for liberalisation.

Does liberal peacebuilding have a chance? Not really. Even under the best of circumstances, and rarely are there good circumstances, the chances are slim. The problem, though, might lie less with liberal peacebuilders than with the donors, the funding agencies, and, ultimately, the Western states, which do not give those in the field the time, the money, and the backing that they need. How might liberal peacebuilders better their hand? If they had more resources and power, then their bargaining leverage would improve and presumably local élites would accept not only the symbols, but also the substance of liberalisation. Yet, there is always the possibility that the harder peacebuilders push and the more they demand, the more likely local élites will resist and combative peacebuilding will result. There are no easy answers.

Perhaps, compromised peacebuilding is not so bad. Co-operative peacebuilding is unrealistic, captured peacebuilding might very well only inflame conflict dynamics, and confrontational peacebuilding is a no-win situation. So, compromised peacebuilding does not look so bad given the alternatives. Even if local élites do little more than recognise the legitimacy of liberalisation or accept the symbolic reforms, at the very least it creates new expectations and provides new benchmarks against which the performance of the central government and rural élites can be judged. Symbols, as we said earlier, can matter. They can provide new focal points. They can become public commitments that even hypocritical reformers must take into account. They can also be used by local and international reformers to continue to press for change.

Compromised peacebuilding might also be a normatively desirable outcome. Do peacebuilders truly know better? Many arguments in favour of peacebuilding presume that liberal peacebuilders are pure of motives and know what is best for the local population. Even if we grant that these paternalistic peacebuilders are well-intentioned, do we have any evidence that they actually know how to engineer socially a liberal peace? Not really. Indeed, they manifest two different but equally problematical trends. One is to create a rather long wish-list, from security stabilisation to sustainable development to local empowerment, without any consideration of how these items relate to each other.

⁷ John Meyer & Brian Rowan, “Institutional Organizations: Formal Structure as Myth and Ceremony”, (1977) 83 *American Journal of Sociology*, p. 350.

Their ambitions generate complexity. The other is that peacebuilders escape their uncertainty and complexity by relying on general models that are frequently developed from their most recent experiences in the field. But universal models can be a false sanctuary. The only way out is for peacebuilders to confess to a high degree of uncertainty - and actively incorporate local voices into the planning process. As Noah Feldman warned:

“The high failure rate [of nation-building exercises] strongly supports the basic intuition that we do not know what we are doing - and one of the critical elements of any argument for autonomy is that people tend to know themselves, better than others how they ought best to live their lives.”⁸

In addition, compromised peacebuilding, from the perspective of local élites and societal groups, might very well look normatively desirable because it provides greater opportunity for local voices to participate and affect a process that is supposedly “owned” by them. We readily acknowledge that many élites and politicians are not great democrats and are more interested in preserving their perks and power than in pluralising politics (and, in this respect, are no different from politicians all over the world), but their presence does force otherwise steamrolling peacebuilders to go slow and adopt a more incremental approach. Compromised peacebuilding, if done right, might be the best of all possible worlds.

2. Seeking the Least Bad Government

“There are states of society in which we must not seek for a good government, but for the least bad one. It is part of the inevitable lot of mankind, that when they themselves are in a backward state of civilization, they are unsusceptible of being well governed.” (John Stuart Mill)⁹

Because international peacebuilders cannot produce heaven on earth, and because compromised peacebuilding is arguably more empirically frequent and more normatively desirable than the alternatives, they must consider strategies that can shore up potentially decent, but not fully democratic, political coalitions in states that might be at risk of backsliding and of humanitarian crises. Indeed, both policy-makers and scholars are following the trail of evidence in this direction.

The ambivalence that policy-experts have regarding the relationship between state-building and democracy is profoundly evident in the highly regarded *Fixing Fragile States*.¹⁰ With considerable experience in Afghanistan and elsewhere, the authors severely criticise an international peacebuilding community that refuses to give decision-making authority to local élites and citizens. Although, to the best of my knowledge, they never once use the concept of democracy, the pages are marked by various euphemisms that are intended to convey the importance of bringing citizens into the decision-making process. However, the countries that they single out as role models for fragile states include Singapore, China, Kagame-led Rwanda, and Uganda; in other words, not exactly models of democracy. They celebrate the “social contract” between Singapore and its citizens, but the attributes of this contract that they cite concern not mechanisms of representation but improvements in the welfare of the population, instead.¹¹ Indeed, on various occasions, the social contract is reduced to instances in which the state “invests in its citizens”.¹² The combination of their aversion to the discourse of democracy alongside their approval of quasi-authoritarian regimes suggests that they are inclined to believe that a reasonably good outcome would be decent governments that were willing to act in ways that were generally within the interests of their populations.

⁸ Noah Feldman, *What We Owe Iraq: War and the Ethics of Nation Building*, (Princeton: Princeton University Press, 2004), p. 69.

⁹ Don Habibi, “The Moral Dimensions of J.S. Mill’s Colonialism”, (1999) 30 *Journal of Social Philosophy*, p. 136.

¹⁰ Ashraf Ghani & Claire Lockhart, *Fixing Fragile States*, (New York: Oxford University Press, 2008).

¹¹ p. 38.

¹² p. 50.

Social scientists are confirming the hunch of policy-makers that liberalism might be asking for too much, too soon. Statistical studies show that partial democracies and incomplete democratic transitions are more likely to break down into civil war than autocratic states are. State transformation seems most promising in “easy” cases (countries that have been democracies before, have fairly high GNP and literacy, and where the spoilers have been decisively defeated) or tiny cases, where an overwhelming and, perhaps, long-term international presence is feasible (Bosnia, Kosovo, East Timor, although the departure of peacekeepers and the scaling back of aid turned out to be very premature). Where the scale of the challenge is larger, as in Zaire/Congo, the level of effort may fall far short of what is needed to provide security and to meet basic needs, let alone establish democracy.¹³ Moreover, among fourteen post-Cold War cases in which the peacekeepers eventually packed up and left the country,¹⁴ Doyle and Sambanis found that only seven were successes in establishing a “participatory peace” with the state intact, no residual fighting, an end to massive rights abuses, and at least minimal political openness.¹⁵ The UN undertook “multidimensional peacekeeping operations” in four of the successes with these criteria (El Salvador, Guatemala, Mozambique, and Namibia), a successful “peace enforcement” mission in Croatia, and a successful traditional “observer” mission in Nicaragua.¹⁶ Among these, the 2006 Freedom House democracy score remains at the level of fully “free” for Croatia, El Salvador, and Namibia, and “partially free” for Mozambique and Nicaragua. Multidimensional efforts failed in Haiti and East Timor (fighting broke out and peacekeepers had to return) and led to an ambiguous result in the Central African Republic. Doyle and Sambanis classify Cambodia as a multidimensional “participatory peace”, but its 2006 score of “not free” should demote it to what they call a “sovereign peace”.¹⁷

Furthermore, notwithstanding the label “multidimensional peacekeeping”, it is noteworthy that none of the unambiguous successes in which the peacekeepers actually left the country were cases of international military occupation with a transformational agenda along the lines of Bosnia, Kosovo, East Timor, Sierra Leone, and Iraq. Instead, they were all cases in which the local parties to the conflict were exhausted by war, perceived incentives to settle it, and received some international help to facilitate a transition to a somewhat more open society in which the belligerents could lay down their arms. In all these cases, including Cambodia, élites with blood on their hands and a questionable track record remained in power, but decided to behave better for practical reasons of their own. There was no internationally imposed social revolution — indeed, no social revolution of any kind. The good news, therefore, is that less ambitious strategies of change have sometimes been successful in creating the basis for political stability, which reduces the risk of future humanitarian disasters.

If the international community is going to aspire to something between feeding dictators who can maintain stability and pie-in-the-sky dreams of creating textbook examples of liberal democracies, then they must consider how to institutionalise arrangements that encourage the development of publicity principles, deliberation, negotiation, and compromise, thus helping to create a more stable and mutually-consensual outcome. Elsewhere I have called this strategy “republican peacebuilding” in order to distinguish it from “liberal peacebuilding” and in order to call attention to the fundamental insights of the American federalists who drew from republican political theory to invent new governance principles to confront the threats posed by factions and arbitrary power. These principles, I

¹³ Against this scepticism, Doyle & Sambanis, *Making War and Building Peace*, argue that the most spectacular failures of international peacekeeping, nation-building, and humanitarian intervention were the consequence of outmoded Cold War peacekeeping models in places such as Somalia, Bosnia, and Rwanda during the early post-Cold War period. As a result of these trials and errors, they claim, multilateral peace operations have developed a more comprehensive and much more effective strategy, which includes humanitarian assistance among a whole set of mutually supportive tools.

¹⁴ Fortna, *Peacekeeping and the Peacekept*, Ch. 4.

¹⁵ Doyle & Sambanis, *Making War and Building Peace*, Table 3.1, pp. 75-81. An eighth case, Rwanda, is mysteriously coded as a success by Doyle & Sambanis., *Making War and Building Peace*.

¹⁶ Doyle & Sambanis, *Making War and Building Peace*, Table 3.1.

¹⁷ Doyle & Sambanis, *Making War and Building Peace*, 76.

argue, are as relevant to today's post-conflict cases as they were to the post-conflict American republic in 1787 – and are present in many of the successful cases of post-conflict peacebuilding.

Deliberation. Genuine deliberation requires that individuals and groups give public reasons for their positions and decisions. Deliberation has various virtues. It forces individuals and factions to legitimate their positions and proposals in the name of the community's interest, thus encouraging them to widen their positions and incorporate the views of others. It helps give the collective decision some legitimacy, thus increasing the chances that policies will be accepted, or at least not met by passive or active resistance. It provides an opportunity for individuals to change their mind, to alter their beliefs, and to identify with the community.

Constitutionalism and Divided Power. Constitutions for establishing rules that restrain the exercise of arbitrary power, limit conflict between factions, and reduce the dividends of having power. Most famous are checks and balances - that is, the distribution of political authority that limits the possibility of either a centralised government exercising arbitrary power or a faction dominating the political system. The benefits of this kind of arrangement include creating a balance of forces within the political system and compelling the local actors to negotiate and compromise. In this way, divided government helps to further the goal of both political stability and legitimacy. Also critical is a process of deliberation and representation that leads to the construction of the constitutional arrangements; following these principles will help give the constitution some legitimacy.

Representation. The principle of representation does not hinge on democracy, but rather on ensuring that all those affected by a decision have their interests considered before the decision is made. This view of representation is particularly relevant for post-conflict situations in which it is now well-understood that elections held too quickly can cause more troubles than they solve, and can potentially undermine the democratisation. Consequently, it is imperative that post-conflict arrangements consider representative mechanisms instead of elections, including consultative bodies and transitional governments that can perform the function of representation until elections are appropriate.

If unelected bodies are to meet the principle of representativeness, they must have: *inclusivity*, incorporating diverse groups; and *publicity*, making transparent their decisions and the reasons behind them. Satisfying these two criteria encourages those in power to broaden their perspective, acknowledge the views of others, and meet minimal standards of representation. As such, these criteria help invest the political process with legitimacy, reduce the possibility of arbitrary power, and stabilise the post-conflict setting.

The principles of deliberation, divided government, and representation have other virtues that are essential for post-conflict peacebuilding. These principles will increase the legitimacy of the state. Legitimacy depends on the use of the proper means to arrive at collective goals. Proper means is dependent on a political process that considers the diverse interests of its citizens; that is, groups need to believe that their views are being incorporated. Hence, the importance of forms of deliberation, representation, and publicity. Too often, we assume that legitimacy depends on democracy; we need to focus more on meeting the underlying principles and we need to imagine the different forms that these principles can take. Also, there are various virtues in modesty and incrementalism. Liberal peacebuilding, which includes the EU's holistic agenda, has the vices of all grand social engineering experiments, in that the basic design principles and deliberative processes provide the shell for improvisation and learning informed by experience.

In general, a central challenge of post-conflict statebuilding is to design states, first, to contain the threats to stability posed by arbitrary power and factional conflict, and, second, to encourage society to begin conferring legitimacy on the new institutions. There is the threat to liberty posed by the exercise of arbitrary power by the state. Factions, a permanent feature of any society, can create instability if they are not controlled; rivalry can explode into conflict or lead one faction to try to grab state power

and deploy it against its enemies. States also need to develop legitimacy if they are to maintain order, gain the loyalty of their citizens, and implement effective public policies.

If international peacebuilders become more strategic, they will improve the likelihood of a better outcome. At the moment, they appear torn between a recognition that, in the short- and medium-term, stability is not a bad result, and a desire to keep inserting more and more goals into their operations. “Variable loading”, whether done by social scientists or by policy-makers, is no answer for being more strategic. Ambition is another word for incoherence, and templates such as the security-development nexus appear to be an empty signal that policy-makers can interpret as they see fit in order to be consistent with their existing organisational interests. Strategy must be tailored to the circumstances on the ground. It is all well and good to desire a liberal democracy in which a culture of non-violent conflict resolution prevails, but long-term hopes can be the enemy of cool, strategic analysis that rank-orders possible outcomes, assigns probabilities of their occurrence, and then identifies the means that are needed to achieve them.

3. Conclusion

A few points by way of conclusion. The arguments offered here, while directed at post-conflict reconstruction, are generally applicable to circumstances of “fragility”.¹⁸ Fragility, at least according to many policy-makers, and the attributes of fragility, are nearly identical to the attributes of those states that are beyond fragility and experiencing a full-blown conflict. Indeed, the only difference between fragile and “beyond fragile” states appears to be the presence of absence of conflict, and, in many case, the difference is likely to be the degree and scale of conflict and not its presence, *per se*. Moreover, all the tools of peacebuilding, short of military deployment, would appear to be in play in all the states that are no longer able, or willing, to protect their citizens and advance their welfare.

Intervention is not for the weak-hearted. Lots of harm is likely to be done no matter how careful peacebuilders are. Harm will be done if outsiders do not intervene. Harm will be done if peacebuilders intervene. Building states is always an exercise in coercion, and all the deliberation, democracy, and debate can only reduce, but not remove, the power in peacebuilding and post-conflict reconstruction. There will always be tensions in a peacebuilding process and the sooner that peacebuilders recognise the presence of these tensions and contradictions, the better. The reports produced by the EU, in this regard, are symptomatic of a general liberal bias, present in much of modernisation theory, that all good things go together. But they do not.¹⁹ International peacebuilders need to be more sober with regard to what can be done, and more strategic about how to accomplish what should be more circumscribed ambitions.

One of the pronounced trends of the peacebuilding enterprise is that perceived failures are always answered with calls for greater co-ordination, new bureaucratic machineries, and more decision-making authority in the hands of the “good guys” in Brussels, Geneva and New York. In short, every perceived failure is answered with an increase in the power of international peacebuilders, scaling up and away the locus of decision-making authority from local to global actors. Yet, there is little evidence that these technocratic responses have positively affected outcomes that matter – improving

¹⁸ Commission of the European Communities, “Toward an EU Response to Situations of Fragility – Engaging in Difficult Environments for Sustainable Developments, Stability, and Peace”, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions”, Brussels, 25 October 2007, p. 5.

¹⁹ Charles Call, “Building States to Build Peace?”, in: Charles Call with Vanessa Wyeth, (eds), *Building States to Build Peace*, (Boulder CO: Lynne Rienner, 2008), pp. 365-88.

the welfare of local populations and allowing them to have more control over their own destinies.²⁰ A cynic might be tempted to suggest that the increasingly strident calls by international actors for better “partnership” with local actors is little more than an act of self-medication by the powerful; after all, these proclamations are almost never followed up by comparable action. If the growing global bureaucracy for helping “fragile” and “failed” states is not actually helping those on the ground, then who is benefiting from the system? What are we to make of the constant clamour for more resources for global peacebuilders who, on the record, favour the discourse of participation, but who, nevertheless, seem reluctant to share power with those who are supposed to benefit from their interventions? Is peacebuilding a game that puts power in the pockets of new global constituencies, but is incapable of radically changing things on the ground even if it wanted to?

²⁰ Jeremy Weinstein, “Autonomous Recovery and International Intervention in Comparative Perspective”, Working Paper 57 (Center for Global Development, Washington DC, 2005); and Alex de Waal, “Mission Without End? Peacekeeping in the African Political Marketplace”, (2009) 85 *International Affairs*, pp. 90-113.

Author contacts:

Michael Barnett

University of Minnesota

Stassen Chair of International Affairs

Professor of Political Science

Humphrey School of Public Affairs

University of Minnesota

301 19th Avenue South

Minneapolis, MN 55455

Email: barne293@umn.edu