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Issues and Debates in Transitional Rule

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Nothing is harder to manage, more risky in the undertaking, or more doubtful of success than to set up as the introducer of a new order.

—Niccolò Machiavelli, *The Prince*

Introduction

Transitional regimes—also called interim governments—bridge old and new orders of rule. Interim governance occurs at a hinge in history, a central point upon which future national—and at times international—stability depends. This historical moment is laden with contradiction and uncertainty. Interim governments, although historically significant, are meant to be fleeting and indeterminate, but at times an “interim” government lasts for more than a decade, or it transitions to a series of “temporary” governments rather than a stable, permanent, domestic regime.

Despite the domestic character and significance of governance transitions, the assembly and maintenance of interim structures has increasingly become an international project. The United Nations and other international organizations have taken on significant roles in state building to create or strengthen governing regimes.¹ The United States in particular has made considerable investments in regime change, to the point of placing stability, security, transition, and reconstruction activities on the same footing as major combat

The opinions in this chapter are those of the authors, who are writing in their personal capacities and not as representatives of the government of the United States or of the institutions with which they are affiliated. None of these ideas represent an official position of the U.S. government.

1. Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Ithaca, N.Y.: Cornell University Press, 2004), ix. “Nation building,” by contrast, implies creation of the shared bonds of history and culture (99).

operations. This marks a major development in the evolution of the mission the U.S. government has set for itself in international affairs and the rebuilding of war-torn countries.²

The often-stated goals of external actors in state building are peace and democracy. The logic behind state-building efforts in Afghanistan, Iraq, and elsewhere is that durable regimes are vital to a lasting peace. An emphasis upon the particular character of new or strengthened regimes arose with normative consensus on (and empirical evidence about) the desirability of democracy, characterized by political processes that are participatory, open, and competitive; elections that are free and fair; and chief executives who are openly selected and subject to checks on their power.³ However, despite a very strong correlation between peace and democracy, there remains some uncertainty about democracy's role. Anocracies, governments that exhibit a mix of democratic and autocratic features, are particularly prone to instability, including armed conflict or overthrow.⁴ Democratization often brings with it inherent risks of opening the space for political contestation in already violently conflicted societies.

One of the contradictions in this process rests in the awkward attempt to create a sovereign state by suspending sovereignty. Most recent state-building attempts entail removing a state's ability to govern itself in order to construct a new, sovereign state from without. However, there are two additional contradictions inherent in this externally driven process. First, the very institutions that are created through external interventions can undermine the attempt to replace those imposed institutions with indigenously grown ones. Second, the very notion of suspending sovereignty in order to restore it is problematic and harks back to an imperial era, the memory of which for many around the world is still fresh.

Niccolò Machiavelli long ago noted other difficulties in establishing a new order. To do so creates sure enemies among those who profited under the old order and unsure friends among those who would support the new. Uncertainty derives in part from the unfamiliarity of a new system and in part from familiarity with the old. The residual legitimacy of the previous

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2. U.S. Department of Defense, Under Secretary of Defense (Policy), "Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations" (November 28, 2005, no. 3000.05). The text defines stability operations as including both "military and civilian activities." National Security Presidential Directive 44 followed on December 7, 2005, and endorsed the DoD directive.
 3. Varying representations of these traits are characteristic of a polity score rated as a democracy (6 to 10). Monty G. Marshall and Ted Robert Gurr, *Peace and Conflict 2005* (College Park, Md.: Center for International Development and Conflict Management, University of Maryland, 2005). Freedom of organization and expression, including press freedoms, are often cited as requirements for full realization of democracy. See also Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: Johns Hopkins University Press, 1999).
 4. Monty G. Marshall and Ted Robert Gurr, *Peace and Conflict 2003* (College Park, Md.: Center for International Development and Conflict Management, University of Maryland, 2003).

regime, including legal and administrative structures, can be a barrier to cooperation for those who live in “fear of opponents who have the law on their side.”⁵ The difficulty of establishing a new order is magnified for innovators who cannot “stand on their own feet,” are unable to use force on their own, and must rely on others. This is just the situation implied in international administration.

Interim rule is thus significant, precarious, and changing in potentially problematic ways. Yet too little is known about the factors that make for success and failure in transition, in particular with respect to the explicit goals of peace and democracy and the implicit goal of strengthening effective sovereignty.

Our project aims to identify the rationale, form, and effects of contemporary interim regimes. We define an interim regime as an organization that rules a polity during the period between the fall of the ancien régime and the initiation of the next regime. The transitional period begins when the old regime falls—when it disintegrates, is torn apart from within, is overthrown by an invading force—and it ends when a new, supposedly “permanent” regime takes over. One of the key aspects in the functioning and effects of transitional regimes involves the issue of who initiates, sets the rules for, and then manages the transitional process.

In the first section of this chapter we review the relationship between theory and practice. This exercise unpacks the assumptions of the dominant, institutional frameworks and situates us at a juncture in history in which the division between domestic and international politics has become extremely thin. The term *international community* now refers to an agent of political transformation, not just a creature of it. Often a reference to the most powerful states, the international community is now a major actor, commonly involved in the day-to-day process of reconstituting governments thanks to the developments in peacekeeping and democratization that we discuss in the pages that follow. The heavy footprint of the international community affects the legitimacy of the resultant governments, which in turn affects stability, governance, and democratization.

We focus this institutional lens upon the paths of transitional regimes from around the world in a larger study, for which this chapter provides a conceptual framework. Looking at interim governments in Afghanistan, Bosnia, Cambodia, the Democratic Republic of the Congo (DRC), East Timor, El Salvador, Guatemala, Indonesia, Iraq, Kosovo, and Liberia, we seek lessons for both theory and practice. What was the rationale for the chosen interim structure? Are these structures composed of domestic or international components, or do they represent elite pacts or popular will? What are

5. Niccolò Machiavelli, *The Prince*, trans. Robert M. Adams, 2nd ed. (New York: W.W. Norton, 1992, 1977).

the legitimacy issues associated with these choices? What are the consequences for the extension of state control, the management of resources, the development of civil society, and the staying power of the new order?

The Evolution of Transitional Rule

Temporary regimes in dozens of countries across the globe have come and gone through the postwar and post-Cold War eras.⁶ Some of these were more fleeting than others. These cases differed not only in longevity but also in causes and consequences. The post-World War II transitions in Germany and Japan are well-known examples of external roles in state reconstruction and democratization. These transitions revealed a key trade-off between stability and renewal: deep purges also created gaps in local governance capacity. The defeat of fascism and the subsequent dismantling of colonial structures throughout Asia and Africa also augured a “second wave” of mid-twentieth-century democratization, transitions that took place in an era of significant international intervention. In these early transitions, the role of external actors, from start to finish, was *the* significant factor in many of the processes.

Following this wave of transition immediately after World War II, the onset of the Cold War was characterized by East-West competition over the nature of political order in newly independent states, resulting in relative regime stability as each camp propped up supportive regimes around the globe. The next significant wave of regime change did not occur until the 1980s and early 1990s, in what is now called the “third wave.”⁷ In contrast to the significant role played by international actors during the postwar second wave of democratization, the third wave transitions were largely spurred by internal factors. Where influential, the international community affected the timing and sometimes the course of the transition, but often in an indirect manner and frequently as only one aspect of a much larger process. Scholars used terms like “demonstration effects” and “snowballing” to describe the influence of international events on what were, by far, primarily domestically determined processes related to the collapse of communism and the fall of domestic dictators.⁸ In the initial phase of the third wave transitions, domestic power structures may have been discredited, yet they still often functioned, and domestic elites initiated the transition.

6. A partial list of postwar sites of transitional regimes includes the following: Afghanistan, Angola, Argentina, Bangladesh, Bosnia, Cambodia, Central African Republic, Chile, Congo, Croatia, East Timor, Ecuador, El Salvador, Eritrea, Ethiopia, Fiji, German Democratic Republic, Ghana, Greece, Guatemala, Haiti, Kosovo, Liberia, Mozambique, Namibia, Nicaragua, Nigeria, Papua, Peru, Romania, Rwanda, Serbia, Sierra Leone, Somalia, South Africa, South Korea, Tajikistan, Thailand, Uganda, and Venezuela.

7. Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, Okla.: University of Oklahoma Press, 1993).

8. *Ibid.*

By the late 1990s and early 2000s, however, the role of the international community increased. Great powers and international institutions—no longer stymied by Cold War rivalry—took on expanded and more direct roles in the creation and maintenance of interim governments. Foreign invasion, rather than changes in the balance of power between domestic rulers and opposition, produced notable transitions. In many other cases, devastating civil wars tore apart and destroyed the legitimacy of domestic power structures that could mediate the transition from war to peace. As the nature of regime collapse evolved, the role of the international community increased. In the wake of this destruction and domestic power vacuum, great powers and international institutions took on an expanded and more direct role in the creation and maintenance of interim governments. Advocates of humanitarian intervention applauded military interventions to end civilian suffering and to promote democracy, while critics called humanitarian intervention “an extension of a de facto international imperial power over the ‘failed state’ part of the world.”⁹

Theoretical Developments: International and Comparative Politics

Post-conflict democracy building currently represents a leading edge in democratization studies.¹⁰ We contend that internationally created interim regimes constitute a distinct evolution in the practice of transitional governance.¹¹ We seek to consider the variants of this form in relation to other models of transitional rule. Here, we trace the evolution of this new model of interim government, identify the issues and debates that set this model apart from preexisting models of interim governments, and assess the implications for the consolidation of post-conflict peace, stability, and governance.

U.S. state-building projects in Afghanistan and Iraq and a dozen years of increasingly ambitious UN efforts have inspired many studies.¹² While some scholars have focused on the causes of state collapse and the consequences of international efforts to end civil wars¹³—and others on democratization or marketization¹⁴—most have been interested in peace, usually

9. Fukuyama, *State-Building*, 97.

10. Marc Plattner, “Introduction: Building Democracy After Conflict,” *Journal of Democracy* 16, no. 1 (January 2005): 5–8.

11. Richard Caplan argues that the international administration of war-torn polities is related to, but different from, military occupation, the UN trusteeship model, and traditional peacekeeping. See Richard Caplan, *International Governance of War-Torn Territories: Rule and Reconstruction* (Oxford: Oxford University Press, 2005).

12. RAND quickly published a review of post-World War II U.S. nation-building efforts. James Dobbins et al., *America’s Role in Nation Building: From Germany to Iraq* (Santa Monica, Arlington, and Pittsburgh: RAND, 2003).

13. Kalevi J. Holsti, *The State, War, and the State of War* (Cambridge and New York: Cambridge University Press, 1996) on the former; and Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousins, eds., *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder and London: Lynne Rienner Publishers, 2002) on the latter.

14. Roland Paris, *At War’s End* (Cambridge and New York: Cambridge University Press, 2004) and Mark Peceny, *Democracy at the Point of Bayonets* (University Park: Pennsylvania State University Press, 1999).

defined by the absence of a return to war. But they have differed over the means to get there, whether through security guarantees, power-sharing pacts, transitional authorities, or local or national elections.¹⁵

Indeed, in most of these works, comparativist and international relations (IR) scholars have created literatures that tend to talk past one another. Although this is perhaps reflective of the different sources of change in the various waves of democratization, the traditional IR theory tool kit offers limited resources to deal with the practical problems of state building. Meanwhile, comparativists tend to focus so much on domestic political institutions and processes that they overlook the extent of external influences.

A long-standing IR focus on systemic influences on state behavior provided little insight into the development of effective domestic governance.¹⁶ Pragmatic institution builders of academe pay tribute to this tradition, as when James Fearon and David Laitin argue in favor of aligning state-building missions with great power interests.¹⁷ However, even these authors recognize the need to build domestic instruments of political order. External actors make war to create change to suit national interest.¹⁸

Meanwhile, another stream in IR did focus on the character of the states themselves; in particular, it looked at democratic institutional mechanisms for conflict resolution and civil society checks on the state.¹⁹ Unfortunately, the evidence on *new* democracies is sobering: democratizing states are actually more prone to conflict than their authoritarian and established-democracy counterparts.²⁰ Because of this dynamic, some scholars argue explicitly for a go-slow approach that focuses on sequencing—in particular, institution-

15. See, among others, Michael W. Doyle, "War Making and Peace Making: The United Nations' Post-Cold War Record," in *Turbulent Peace*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, D.C.: United States Institute of Peace, 1996, 2001), 529–560; and David A. Lake and Donald Rothchild, "Containing Fear: The Origins and Management of Ethnic Conflict," *International Security* 21, no. 2 (Autumn 1996): 41–75.

16. Works such as *War and Change in World Politics* and *After Victory*, for example, are more concerned with hegemonic war and the construction of global order than with domestic strife and state building. Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981); and G. John Ikenberry, *After Victory* (Princeton: Princeton University Press, 2001).

17. James Fearon and David Laitin, "Neotrusteeship and the Problem of Weak States," *International Security* 28, no. 4 (2004): 5–43. Fearon and Laitin are interested in solving the problem of recruitment for difficult missions. They advocate a full breach with the already weakened norm of recruiting impartial, nonsuperpower nations to lead peacekeeping missions.

18. John M. Owen IV, "The Foreign Imposition of Domestic Institutions," *International Organization* 56, no. 2 (2002): 375–409.

19. In 1989, Francis Fukuyama published an influential article that fit this stream and also seemed to legitimate the American model of governance and the drive to export democracy. Francis Fukuyama, "The End of History?" *The National Interest* 16 (Summer 1989): 3–16.

20. Edward D. Mansfield and Jack L. Snyder, "Democratization and the Danger of War," *International Security* 20, no. 1 (1995): 5–38; Edward D. Mansfield and Jack L. Snyder, "Democratic Transitions, Institutional Strength, and War," *International Organization* 56, no. 2 (2002): 297–337.

alization before democratization.²¹ Yet the days are now past when arguments for authoritarian transition might be acceptable.

Democracy has become widely understood to be a behavioral standard in the society of states; as UN secretary-general Kofi Annan said in 2000, "The principle of democracy is now universally recognized."²² Authoritarian regimes find it increasingly difficult to justify their existence in terms of effectiveness of governance or economic growth. Regardless of their performance in office, unless authoritarian rulers can claim legitimacy based on democratic elections, they come under pressure to liberalize. As a result, we have seen an increase in what Andreas Schedler labels *electoral autocracies*: autocratic regimes that govern with a veneer of electoral legitimacy.²³

As part of this evolution in the norms of legitimate rule, countries have increased their emphasis on democracy promotion. Democracy promotion is not a new excuse for intervention by one state into the affairs of another, but international audiences seem to have grown more sympathetic to such arguments. As Mark Peceny observes, U.S. promotion of democracy dates at least to the liberation of Cuba in the Spanish-American War and has become "a crucial part of what it means for the United States to be leader of the free world."²⁴

Because of the international acceptance of democracy as the only form of legitimate rule,²⁵ and the impact this consensus has had on both regime change and state building, the constructivist approach now seems to be the most useful lens that IR theory provides through which to analyze the multilayered process of state building. The ability to redefine interest and even identity is vital to the process of constructing political order.²⁶ However, what

21. Paris, *At War's End*.

22. "Kofi Annan's Closing Remarks to the Ministerial," Warsaw, Poland, June 27, 2000. Article 21 of the 1948 Universal Declaration of Human Rights proclaims the right to participatory governance, including periodic elections. See UN General Assembly Resolution 217A (III), December 10, 1948, www.un.org/Overview/rights.html. Several initiatives by regional organizations reinforce this concept. For example, the European Union accepts only democracies as new members. In the 1990s, the Organization of African Unity identified democracy as a standard of "good governance"; the Organization of American States declared coups against democracy to be illegitimate. For discussion on democracy as a norm, see Michael McFaul, "Democracy Promotion as a World Value," *Washington Quarterly* 28, no. 1 (2004–5): 147–163. A definition of norms is available in Ann Florini, "The Evolution of International Norms," *International Studies Quarterly* 40 (1996): 363–389. A theoretical discussion of norms is provided in Jurgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Mass.: MIT Press, 1998).

23. Andreas Schedler, ed., *Electoral Authoritarianism: The Dynamics of Unfree Competition* (Boulder and London: Lynne Rienner Publishers, 2006).

24. Peceny, *Democracy at the Point of Bayonets*, 218.

25. Yossi Shain and Juan Linz, eds., *Between States: Interim Governments and Democratic Transitions* (New York: Cambridge University Press, 1995).

26. Here we borrow from John Ruggie's comment on what separates constructivism from realist and liberal approaches. John Ruggie, *Constructing the World Polity* (London and New York: Routledge, 1998).

remains is to identify the circumstances under which these changes are likely to occur and to lead to positive outcomes for the polity.

While IR scholars focus on these macro-level factors, comparativists retain a helpful focus on democratization and governance within states. Most theories of democratization have been interested in the transition from authoritarian rule and the consolidation of democracy.²⁷ Authors in this tradition examine issues of political culture and democracy; levels of economic development and their impact on the likelihood of transition and ability to sustain democracy; class composition and democracy; and the role of elite pacting in transitions from authoritarian rule.²⁸ Comparativists tend to examine primarily domestic factors and to assume that the state itself remains a functioning and viable entity throughout the transitional period. A more internationalized variant of the democratization literature examines the role of international assistance in promoting democratic transitions, yet it still falls short of assessing the long-term effects of international assistance on the viability and persistence of democratic regimes.²⁹

The issue of temporary transitional regimes and interim governments has barely been touched in the field of comparative politics, with one significant exception. To date, the seminal work on interim government remains *Between States*, the volume edited by Yossi Shain and Juan Linz and published in 1995.³⁰ In this work, the editors and their case-study authors developed four models of interim governments: (1) revolutionary, (2) power sharing, (3) incumbent caretaker, and (4) international administrations. The revolutionary model is initiated from outside the regime and includes, as Andrew J.

27. Most theories of democratization follow in the footsteps of the “transitology” school, exemplified by the works of Larry Diamond, Marc Plattner, Philippe Schmitter, Terry Lynn Carl, Guillermo O’Donnell, and the hundreds of scholars whose works depart from the frameworks established by these authors.

28. For the seminal early work on political culture, see Gabriel Almond and Sydney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (New York: Sage Publications, [1963], 1989); for the modern adaptation, see Robert Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1994). On class requisites and economic development, see Barrington Moore, “The Democratic Route to Modern Society,” in *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon Press, 1962), 413–432; and Seymour Martin Lipset, “Some Social Requisites of Democracy: Economic Development and Political Legitimacy,” *American Political Science Review* 53, no. 1 (March 1959): 69–105. For analyses of elite pacting, see the seminal work by Guillermo O’Donnell and Philippe Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1986). For a review and critique of all these theories, which ultimately proposes that the nature of the outgoing regime is the critical factor in the transition, see Barbara Geddes, “What Do We Know About Democratization After Twenty Years?” *Annual Review of Political Science* 2 (1999): 115–144.

29. See, for example: Krishna Kumar, ed., *Postconflict Elections, Democratization and International Assistance* (Boulder and London: Lynne Rienner Publishers, 1998); Kevin J. Middlebrook, ed., *Electoral Observation and Democratic Transitions in Latin America* (La Jolla: University of California–San Diego, 1998); John Abbink and Gerti Hesselting, eds., *Electoral Observation and Democratization in Africa* (London and New York: Palgrave MacMillan, 2000).

30. Shain and Linz, *Between States*.

Enterline and J. Michael Greig note in this present volume, overthrow by either external or internal agents. Examples include France in 1944, Cuba in the 1950s, Ethiopia in the 1970s, Algeria in 1962, and Nicaragua in 1979.

The other three models imply more engagement of the ancien régime. In the power-sharing model, the regime compromises with opposition forces when it is weakened or collapses. Examples offered include Poland in 1989, Nigeria in 1993, South Africa in 1990–93, and Czechoslovakia’s “Velvet Revolution” in 1989. In the caretaker model, incumbents initiate the transition when the costs of repression outweigh the risks of transition. Examples include South Africa in 1993–94 and Spain in 1976. In the international model, incumbent regimes accept external facilitation when long-standing domestic rivalries make it impossible to find a domestic-led solution. Examples include Afghanistan in 1991 and 2002, Namibia in 1989, and Cambodia in 1993.

Control and legitimacy vary in the Shain and Linz transition models. Revolutionary forces controlling transitions may enjoy legitimacy through popular participation but lack the benefits of legality that Machiavelli noted as a consideration. Violent disputes between moderate and radical elements of the new regime, and violent score settling with elements of the old regime, are dangers of revolutionary transitions. Competing revolutionary agendas tend to outweigh promises of democracy promotion, making the prospects for democratic development judged to be poorest after revolutions.

In contrast, a power-sharing government controlled by an outgoing administration derives its legitimacy from a bargain. However, the bargain may be tenuous in light of shifts in power between the opposition and the incumbents and the ability of the incumbents to enforce reforms without provoking a backlash. The prospects for democratization are somewhat better, but some obstacles persist. The old regime enjoys residual legitimacy and resource advantages that may work against reform, while opposition constituencies may become frustrated with negotiations and a slow pace of change.

Caretaker transitions typically appoint a formal, independent body that provides legalistic rather than democratic legitimacy. Caretaker transitions also wrestle with balancing public demands for retribution and the incumbents’ desire for amnesty. This transition model appears to enjoy the best prospects for democratization, according to Shain and Linz, if incumbents display a genuine commitment or are so discredited that it is possible to build anew without violent upheaval.

In the international model posited in *Between States*, the United Nations—representing the international community—confers legitimacy and oversees the process, but in doing so it must overcome mistrust among long-standing domestic rivals. The linkages between this international model and the external overthrow of the revolutionary model are not fully considered in *Between States*, and the prospects for democratization are depicted as indeterminate.

We should note that even in this earlier work, the assembled authors focused on how the different institutional forms affected prospects for democratization, and their cases were motivated and populated by cases of postcommunist transitions to democracy. This focus was current with the disciplinary agenda of comparative politics at the time. A decade on, however, the nature of the transitional governments in and of themselves needs to come under the microscope. Significant developments in the practice of regime change include the starting and ending states and even the agents of change. A variety of forms of internationalized transitional administrations in particular prompt us to revisit the Shain and Linz framework ten years later. All the cases explored in this volume entail some degree of external involvement, and this in itself is a remarkable feature of the recent era.

New Directions

We argue that the nature of these new administrations is distinctly different from the international model set forth in *Between States* and early comparative literature on democratic transitions. First, the role of the international community is vastly more powerful now than it was in the early studies. External authorities have, in some cases, assumed *sovereignty*, in the sense of territorial control, and *governance*, in the sense of political administration. They have occupied in order to pacify and democratize so that they might produce “a political order that will fit into the world order they have in mind.”³¹ The expanded authority is evident in the power to declare a country war torn and therefore in need of repair.

Second, in terms of starting states, the international community has recognized that in many countries torn apart by internal strife, the urgent need to reconstruct institutions of governance cannot be met by domestic forces: there are often no domestic structures that can run the transitional government, at least in the initial phases. Therefore, the interim governments that now occur in the context of postwar transitions tend to be initiated and often managed by external actors. In the initiation phase of the earlier transitional regimes—particularly those described in the transitology school and by Shain and Linz—domestic power structures may have been discredited, yet they still often functioned, and domestic elites initiated the transition. Even the international model advanced by Shain and Linz was administered through domestic, rather than international, agents.

Third, the early models explicitly eliminated analyses of international takeovers. In fact, Shain and Linz, when discussing their international adminis-

31. Robert Jackson, “International Engagement in War-Torn Countries,” *Global Governance* 10 (2004): 21–36.

tration model, specifically recommend *against* the intrusive engineering by external actors that became common after 1995. They argue that this type of administration was not appropriate for transitions that occurred in the context of state disintegration or violent civil war in which the domestic government was completely discredited.³² *Between States* does not present a model of transitional governance for situations in which no government structure existed, for example, due to collapse in a civil war (as in Somalia, the DRC, and elsewhere). And it does not address situations in which the government structure collapsed after invasion by a foreign power that nonetheless wanted an international mandate to establish a new regime (Afghanistan and Iraq) or negotiated entry of an outside military force to protect secessionists (arguably, East Timor and Kosovo). And yet, since 1995, we have seen increased occurrence of this very requirement, to create government from scratch.

In transitional administrations in the wake of civil war and state collapse, much more is at stake than simply the quality of democracy in the resulting regimes. In many instances, the very nature, legitimacy, functioning, and viability of post-conflict state structures are at stake. For example, states like Somalia seem to be stuck with a series of virtually permanent “transitional governments” that cannot even govern the capital city. Other countries like Afghanistan have gone beyond the “transitional government” phase, yet the resultant central government can barely project force beyond the capital city.

In response to such recent developments, the innovations in transitional administration have been profound. At the same time, the more traditional, domestic-driven transitional administrations still exist, although they too seem influenced by international norms and have evolved in terms of their effectiveness in creating stable and legitimate post-conflict regimes.

Our project therefore assesses numerous cases of recent interim regimes, arranging the studies to reveal insights about how the various regimes affect domestic order, legitimacy, and good governance. These are features commonly described as vital to postwar stabilization and reconstruction and, by extension, to international peace and security. In terms of the first, the fact that international engagement is not homogenous leads us to ask a set of questions: Does the identity of the external facilitator affect the legitimacy of the interim government? Does the process of selecting an interim government affect the durability of the regime? How does the establishment of direct transitional authority, for example, provide necessary stability? Under what circumstances is external pressure productive or counterproductive, and how

32. In chapter four of *Between States*—“The International Government Model Revisited”—Shain and Berat argue that “from the experience of Namibia and Cambodia, we see that a ‘failed state,’ to use Heldman and Ratner’s terminology, is unsuited to the model. The most important factor for the success of the model is the viability of an incumbent regime which has committed itself, because of domestic and international pressure, to effecting a democratic regime change via cooperation with its rivals” (74–75).

do we measure it? Regarding the issue of *good governance*, are there benefits of an internationally created and managed interim government for the creation of a domestic, democratic government that has enough state capacity to provide at least the internationally accepted minimum of public goods?

In probing these new directions—each of the cases in this volume explores these questions—our work builds directly on the work of Michael Doyle, Marina Ottaway, Bethany Lacina, and others. We find in Doyle's work an exemplary approach that takes domestic environmental conditions into account for external transitional administrators.³³ He observes that from case to case, competitors for postwar rule vary in number, coherence, and hostility to one another. He then provides prescriptions based upon his assumption that these domestic factors influence the nature of external intervention. External actors are more likely to be needed in circumstances in which the factional conflicts are particularly divisive and incoherent, but when the factions are more reconciled, as in El Salvador, Namibia, and Tajikistan, less intrusive transitional authority is needed. In that event, external actors provide transparency, continuing coordination mechanisms, and technical assistance in elections and police training that build capacity.

A situation in which factions are coherent and hostile, as in Cambodia, mandates a stronger role for the international community; international actors must settle conflict between combatants that are still capable of fighting while administering the transition to a peaceful order. The continuing potential for factions to spoil a peace accord limits the leverage of the international regime that must keep all factions placated. Although Doyle sees variance in the demand for external intervention, the problem remains to recruit outsiders willing and able to supply it.

Doyle's work does not simply make useful distinctions among post-conflict environments; one can also extend his analysis of UN administrations to generate models of international transitional regimes. Doyle and Sambanis assess the evolution of UN interventions and distinguish between those with solely monitoring and facilitation functions, supervisory authority, executive authority, and administrative authority.³⁴ Monitoring and facilitation missions support a domestically created and administered transitional regime; the international authorities have no mandate or authorization to actually take on any governance functions. When the United Nations has administrative authority, it also monitors and assists a caretaker interim regime; domestic institutions hold full leg-

33. Doyle et al., "War Making and Peace Making," in Hampson, Crocker, and Aall, eds., *Turbulent Peace*, 550–551.

34. Michael W. Doyle and Nicholas Sambanis, *United Nations Peace Operations: Making War and Building Peace* (Princeton and Oxford: Princeton University Press, 2006), 324–325. Jarat Chopra and Richard Caplan offer other versions of this typology. Jarat Chopra, *The Politics of Peace-Maintenance* (Boulder, Colo.: Lynne Rienner Publishers, 1998); and Caplan, *International Governance of War-Torn Territories*.

islative authority. Unlike the pure monitoring missions, however, the administrative missions have the authority to intervene to assist in a flailing domestic administration.³⁵ Increasing in international influence, UN missions with executive authority vest executive authority in the UN agencies, while the United Nations and fledgling domestic institutions share legislative authority. In the most internationalized of these, under the supervisory authority missions, the UN transitional authorities wield full legislative, executive, and administrative authority.

In essence, Doyle and Sambanis are expanding on the forms of international administrations provided by Shain and Linz, as depicted in figure 1.1. In this figure, we have substituted “international actors” for Doyle’s “UN administrations,” allowing for the fact that these transitional bodies could be composed of a much broader range of actors than Doyle and Sambanis assess. The functions of these transitional bodies, however, are likely to approximate the distinction among advisory, executive, and supervisory authority that the authors lay out. In these three types of international administrations, the first encapsulates the model as originally conceived by Shain and Lynn Berat, while the second and third represent the incorporation of the fully internationalized model, in which international actors take on actual functions of governance and move beyond a merely supportive role.

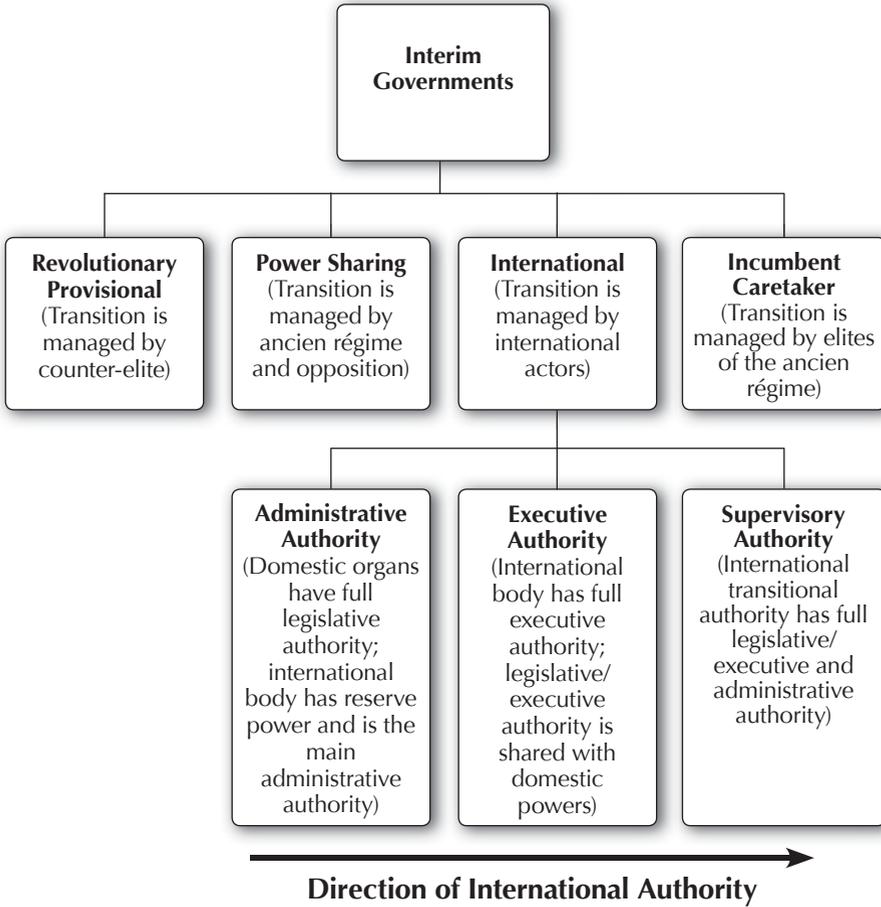
Yet, despite Doyle and Sambanis’s elaboration of the forms of international administration, their analysis provides little insight into the viability of the interim government structures themselves. On this topic, Ottaway and Lacina explicitly consider the costs and benefits of working with extant power structures.³⁶ The authors compare “local transitional governments” with “power sharing” and “international administrations.”³⁷ They provide their deepest insights on the matter of outcomes. Like an external shock to the political system, an international administrative authority ought to be able to create deep changes, yet these often fall short. In Afghanistan, an international coalition working together with local insurgents overthrew the Taliban regime and set about remaking the nation. However, warlords proved adept at manipulating the *loya jirga* (lit., “grand council,” a traditional Afghan governing assembly) process to consolidate their influence. The “local transitional government” approach is less costly in lives and treasure, argue

35. Doyle and Sambanis, *United Nations Peace Operations*.

36. Marina Ottaway and Bethany Lacina, “International Interventions and Imperialism: Lessons from the 1990s,” *SAIS Review* 23, no. 2 (Summer–Fall 2003): 71–92. See appendixes two and three for depictions of the Doyle and Ottaway-Lacina models.

37. Although the authors lump them together, we view the *reinstallation* of democratically elected leaders who had been deposed—for example, in Haiti and Sierra Leone—as a very different project than reliance on a caretaker or power-sharing government. Another difficulty with the Ottaway-Lacina framework is the separation of internal and external rule, when we tend to see some sort of indigenous interim regime set up alongside international administrations.

Figure 1.1 Fully Internationalized Interim Governments



Source: The authors are indebted to Aurel Croissant, who developed the first iteration of this figure based on his adaptations from Shain and Linz (1995) and Doyle (2003, 551–553).

Ottaway and Lacina, but it is also less likely to truly shift existing power structures. For example, despite a massive commitment of troops and other resources to the United Nations Transitional Authority in Cambodia (UNTAC), efforts to preserve functioning state institutions gave the advantage to the incumbent, Hun Sen. A key lesson of *Between States* relates to the wisdom of preserving the viability of the incumbent regime. Specifically, the value of preserving the incumbent regime must be weighed against the possibility of antidemocratic practices, such as those that occurred in Cambodia.

The alternative, in which the international actors decide rather than advise, has its own problems. Exercising authority without judicial review for long periods of time not only risks creating a culture of dependency but also jeopardizes the establishment of a stable rule of law and respect for human rights.

In Bosnia, for example, the Office of the High Representative (OHR) has exercised increasing authority; it removed eleven officials and public servants and imposed sixteen laws at the state and entity levels between December 2004 and October 2005.³⁸ In response, the Council of Europe initiated an inquiry—known as the Venice Commission—into the compatibility of OHR practices with human rights standards. The commission argued that, although the OHR's use of such powers was beneficial to the governance of Bosnia, without respect for due process and judicial control, the practice betrayed the democratic principles the OHR was attempting to inculcate.³⁹ Similar issues of accountability have been raised with regard to the powers of the United Nations Interim Mission in Kosovo (UNMIK).⁴⁰

Although it seems helpful to differentiate according to the degree to which the outside actors utilized existing administrative and political structures, important questions remain: how do the interim administrative structures channel political conflict, and what are the consequences for the legitimacy and the governing capacity of the resulting regimes? To answer these questions, our project picks up where Shain and Linz, Doyle and Sambanis, and Ottaway and Lacina left off. We begin this process by raising a number of themes in the nature of war, peace, and transitional governance that we believe have changed since 1995. In the following sections, we discuss the major issues and debates in the field of conflict and reconstruction studies that relate to the issue of interim and transitional regimes, focusing on the nature of conflict and conditions of change; the norms of sovereignty and intervention; elections as mechanisms to create political order; and the outcome of transitional regimes. In the case studies of this volume, the authors probe the effects these issues have on post-conflict transitions, particularly the viability of post-conflict structures of governance.

Internal Conflict and International Peacekeeping

The nature of conflict itself affects the nature of the transitional regime. Although most conflicts since World War II have been within states, the United Nations was initially reluctant to violate sovereignty in order to address them. In the early 1990s, however, more peacekeeping missions began to deal with internal strife. Regional organizations, coalitions of the

38. Human Rights Watch, "Human Rights Overview: Bosnia and Herzegovina," hrw.org/english/docs/2006/01/18/bosher12238.htm.

39. Council of Europe European Commission for Democracy Through Law (Venice Commission), "Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative," 62nd Plenary Session, 2005 (CDL-PV(2005)001), [www.venice.coe.int/docs/2005/CDL-PV\(2005\)001-e.asp](http://www.venice.coe.int/docs/2005/CDL-PV(2005)001-e.asp).

40. Ombudsperson Institution in Kosovo, "Fifth Annual Report Addressed to the Special Representative of the Secretary-General of the United Nations" (2004–05), www.ombudspersonkosovo.org.

willing, and individual nations also began to develop peacekeeping and peacemaking capabilities, with or without explicit UN authorization.⁴¹

Resolving civil war situations is inherently different from resolving interstate wars and often requires a heavier involvement of the international community. When conflict breaks out between states, combatants can retire behind the state boundaries to heal. Civil war combatants have to live side-by-side with one another and the victims of their violence. The role of the state in relation to society also sets internal conflicts apart. A state defeated in international conflict might lose legitimacy in the eyes of its society; a state that was itself a combatant in an internal war has deeper legitimacy issues, assuming that the state has remained intact.

Often, however, the degree of state disintegration and delegitimation has progressed to the point where no internal organization can take over government functions. In this case, the international community has increasingly borne the brunt of actual governance. Beginning with the intervention in Cambodia in 1993, the international community began to assume wide-ranging administrative roles. These roles were expanded in some international administrations, as in Kosovo and East Timor, to include basic policing, the provision of social services and other public goods, and legislation. Making reference to the colonial administration of the late nineteenth and early twentieth centuries, some observers call this approach “trusteeship.”⁴² Some distinguishing features of this approach include the following:

- International and domestic governance structures mix together. Internationals advocate “capacity building” and/or “participatory governance.”
- Whenever possible, intervention or rule is legitimated externally by a UN mandate.
- External peacekeeping troops and possibly civilian police are deployed.
- External agents may seek to advance the national interests of contributing states, but they do not seek long-term occupation or annexation of the territory in question.

Most of the interim governments examined in our project were forged in violent environments. Deep divides, whether based on ethnicity, religion, or

41. Alex Bellamy and Paul D. Williams, “Who’s Keeping the Peace?” *International Security* 29, no. 4 (2005): 157–195. Prior to the intervention into Liberia by the Economic Community of West African States Monitoring Group in 1990, and NATO’s entry into the Kosovo conflict in 1999, invitations or UN Security Council mandates were required to involve international agents in state-building projects.

42. Stanley Hoffman, “On the War,” *New York Review of Books* 48, no. 17 (2001), www.nybooks.com/articles/14660; Mats Berdal and Richard Caplan, “The Politics of International Administration,” *Global Governance* 10 (2004): 1–5; and Fearon and Laitin, “Neotrusteeship.” This notion evokes “a paternal mode of human conduct,” as opposed to a contract into which parties enter willfully. See William Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power* (Oxford: Oxford University Press, 2003).

territory, characterize most of these cases. Some of the struggles took the form of independence movements (East Timor and Kosovo), while others were irredentist conflicts (the Bosnian Serbs). The remainder focused on fights for state control. All the cases highlight the conditions of the settlement and the process of disarmament, demobilization, and reintegration as playing an important role in the interim structures that followed.

Changing Norms of Sovereignty

Unsurprisingly, along with the changes described above, norms governing when and how extensively the international community can and should *legitimately* intervene have developed. The concept underlying peace enforcement missions directly conflicts with the norm of the inviolability of state sovereignty (Article 2.7 of the UN Charter), which for decades had discouraged the international community from interference in the domestic politics of another state. Once the norms of sovereignty had begun to be eroded by the creation of peace-enforcement missions, it was a short step for the international community to begin to take over the nuts and bolts of governance rather than to act merely as an external guarantor.

Developments in international norms of sovereignty create a new context for the legitimation of the use of force. Advocacy of “popular sovereignty” resting in the people rather than a ruling regime figured prominently in the United Nations Commission on Global Governance report and was expanded in *The Responsibility to Protect*.⁴³ This concept is now enshrined in the outcome statement of the 2005 UN World Summit.⁴⁴ International intervention undertaken in the name of popular sovereignty commits itself to ensuring that it actually establishes popular sovereignty as an outcome of the intervention.

In a reverse shift, the responsibility to protect introduces a new paternalism that overrides the notion of indigenous rights to rule. In Cambodia, Kosovo, and East Timor, the international community has been described as having “suspended” sovereignty according to a model based on post-World War I League of Nations mandates and UN trusteeships.⁴⁵ In both events, victors in war created the conditions for a governance regime in states that they considered not yet prepared for self-rule. Yet the United Nations is not a trustee ruling on behalf of a sovereign in exile (as in the international law of

43. UN Commission on Global Governance, *Our Global Neighborhood* (London: Oxford University Press, 1995); and International Commission on Intervention and State Sovereignty et al., *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001).

44. United Nations, “World Summit Fact Sheet 14–16 September” (New York: United Nations, 2005).

45. Alexandros Yanniss, “The Concept of Suspended Sovereignty in International Law and Its Implications in International Politics,” *European Journal of International Law* 13, no. 5 (2002): 1037–1052.

occupation), nor does it rule on behalf of the local population.⁴⁶ Rather, the United Nations rules “on behalf of the peoples of the world in accordance with the UN Charter.”⁴⁷ This situation is substantively distinct from the ways that transitional regimes had been initiated in the past when, as noted previously, domestic elites initiated the transition and indigenous power structures functioned (in one form or another) during the transitional period of even the international administrations.

Now, not only is the international community much more directly and extensively involved in the day-to-day management of the post-conflict regime but its involvement is also considered *legitimate*, sometimes even obligatory. To ignore a country that has no capacity to self-govern, due to years of civil war or the removal of its ruling structures by another state’s forces, is now considered illegitimate and morally objectionable.⁴⁸

The Role of Elections

Electoral assistance is a prominent form of external aid to democratic transitions. This often involves technical assistance, such as aid with logistics, training, voter education, and computing. Outside actors might observe or even adjudicate in the event of election disputes. In the more substantive forms of electoral assistance, outsiders may actually administer and supervise elections, as in Cambodia, Eastern Slavonia, Bosnia, East Timor, and Kosovo.⁴⁹ Assistance packages are created for each situation in accordance with the technical needs, the level of experience of indigenous authorities, and the benefit of having an external third-party presence in order to enhance the legitimacy of the process.

If elections are meant to legitimate the transitional order, one must immediately question the nature of the electoral mandate. Whether or not there is an internal demand for an electoral process, and whether this process is then seen as legitimate, vastly affects both the process and the outcome of elections

46. On the international law of occupation, see Eyal Benvenisti, *The International Law of Occupation* (Princeton: Princeton University Press, 1993); Eyal Benvenisti, *The International Law of Occupation*, pb. ed. (Princeton: Princeton University Press, 2004); and Karen Guttieri, “Symptom of the Moment: A Juridical Gap for U.S. Occupation Forces,” *International Insights* 13, special issue (1997).

47. Yannis, “The Concept of Suspended Sovereignty,” 1048. With sovereignty suspended in this way, Yannis suggests our inquiry turn to the rights and obligations of the United Nations.

48. International Commission et al., *The Responsibility to Protect*.

49. For a review of two seminal works in this field, see Gideon Rose, “Democracy Promotion and American Foreign Policy: A Review Essay,” *International Security* 25, no. 3 (Winter 2000/1): 186–203; Jennifer McCoy, Larry Garber, and Robert Pastor, “Pollwatching and Peacemaking,” *Journal of Democracy* 2, no. 3 (Fall 1991): 2–14; Thomas Carothers, “The Observers Observed,” *Journal of Democracy* 8, no. 3 (July 1997): 32–47; Robert Pastor, “Mediating Elections,” *Journal of Democracy* 9, no. 1 (January 1998): 154–163; and Andrew Reynolds and Jorgen Elklit, “The Impact of Electoral Administration on the Legitimacy of Emerging Democracies,” *Journal of Commonwealth and Comparative Politics* (July 2002): 86–119.

as transitional instruments. Accordingly, variations in election mandates are noteworthy for their impact on both transitional processes and outcomes.

Alternative views on the value of elections after war imply different requirements for their quality with respect to inclusiveness. Is there a trade-off, for example, between the inclusiveness of popular elections and the stability of an elite pact? Proportional representation (PR) systems are often preferred because they enhance inclusion and decrease the difference between vote share and seat share, both of which increase legitimacy. Proportional and similar systems can also help to defuse the zero-sum nature of electoral contests that more majoritarian electoral systems can create and, therefore, are seen as better for conflict prevention than their majoritarian counterparts.⁵⁰ These systems, however, can be undermined when, as often happens, they include a number of set-aside seats that are filled by executive appointment. Concentration of power at the national tier or weak federal systems can further undermine the potential for PR systems to function inclusively.⁵¹ They are also better mechanisms to guarantee the transition than to create effective governance, because they tend to deliver fractured legislatures that have difficulty achieving policy outcomes. Majoritarian systems are less inclusive and more prone to zero-sum outcomes, but they also deliver more unified and less fractured governments.⁵² The trade-off comes down to determining the benefits of inclusiveness versus effective governance: power sharing is often necessary to secure a peace agreement and to convince all the parties to buy into the new system, but it can also hobble the resultant government.⁵³

Another view is that elections are held more for the benefit of the international audience than for the domestic one. In Iraq, for example, some have argued that the rapid push for elections was done as a way for the United States to legitimate the use of force to its own domestic and international audiences.⁵⁴ In these cases, the population does not need to accept the election as legitimate in order to achieve its purpose. When elections are held more for the international audience than for the citizens of the transitional administration, the structure and timing of elections is therefore likely to differ.

50. Ben Reilly and Andrew Reynolds, *Electoral Systems and Conflict in Divided Societies* (Washington, D.C.: National Academy Press, 1999).

51. Jessica Piombo, "Political Institutions, Social Demographics and the Decline of Ethnic Mobilization in South Africa," *Party Politics* 11, no. 4 (July 2005): 447–470. Piombo also has a book forthcoming on this topic.

52. See Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven, Conn.: Yale University Press, 1999).

53. For more on this dynamic, see the chapter in this volume by Donald Rothchild.

54. Peceny, *Democracy at the Point of Bayonets*. See also Karen Guttieri, "Elections in Iraq: Managing Expectations," *Strategic Insights* 4, no. 2 (2005).

Finally, the timing and conduct of elections after conflict are topics of significant debate and extremely critical to the entire transitional process.⁵⁵ Transferring sovereignty back to local authorities requires some mechanism by which to select these authorities. Often, international actors choose to organize elections in order to increase legitimacy among the domestic audience. However, elections can be held too early in the process to allow new political forces to coalesce into coherent parties capable of running election campaigns, therefore ensuring that only previously organized political agents will secure office. Not all the important political forces in a country may be ready to operate as political parties if elections are held too quickly; this is especially critical for political organizations because they must be capable of mounting viable election campaigns. They may not know *how* to run and manage a campaign; they may not have been able to establish party structures at the grassroots level around the country; and they may simply not have had enough time to recruit experienced and qualified candidates.

Whether or not the obstacles to the formation of political organizations can be overcome, other problems also arise when elections are held too early. If elections are held soon after the transition from hostilities, there may not be sufficient security for the electoral administration to organize the elections and for political parties to campaign freely. With insufficient lead time, voter education programs are likely to have reached just a small portion of the potential electorate, so many people may not understand the electoral process and what (or whom) they are voting for. Others point out that the electoral process needs to follow, not precede, demilitarization.⁵⁶

The consensus here is that holding flawed elections is worse than having no elections. For example, the 1992 elections in Angola were premature and a step in the wrong direction, according to many observers. The reason was that the two principal combatants had not yet disarmed and demobilized, which left open the “exit” option for the loser in the presidential race. Therefore, by the time the votes were counted, Jonas Savimbi’s União Nacional para a Independência Total de Angola (UNITA) movement claimed that the election had been rigged, refused to accept the loss, and returned Angola to war. These events “traumatized the country,” reports Ottaway. “They taught the population that elections can lead to greater violence; that they are a less effective source of power than weapons; and that the people’s choice is ultimately meaningless because leaders do not respect it.”⁵⁷

Holding elections early may also lead to the organization of sectarian or other low-level, rather than national, forces, since these associations already

55. See, for example, Terrence Lyons, *Demilitarizing Politics: Election on the Uncertain Road to Peace* (Boulder and London: Lynne Rienner Publishers, 2005), and Kumar, *Postconflict Elections*.

56. See both Lyons, *Demilitarizing Politics*, and Kumar, *Postconflict Elections*, for more on these points.

57. Marina Ottaway, “Angola’s Failed Elections,” in Kumar, *Postconflict Elections*, 150.

have some form of association on the ground. This can lead to the elevation of ethnic, religious, tribal, or other nonideological political activities. In Bosnia, rushed elections empowered hard-liners and cast a doubt on the universal desirability of quick democratization. As Fareed Zakaria states, "There *can* be such a thing as too much democracy."⁵⁸ Alternatively, if sectarian factions were not well organized previously, early—even if flawed—elections may be desirable before divisions harden.

For these reasons, Thomas Carothers has argued that the contribution of elections is overplayed, because often participation in states undergoing transition goes no deeper than the act of voting, and government accountability remains weak.⁵⁹ Elections are unlikely to overcome long-standing disaffection between citizens and elites when structural factors like socio-cultural divisions or economic cleavages are beneath it. The situation in Iraq would seem to support Carothers's viewpoint. On January 30, 2005—many months after a "transfer of sovereignty" from the occupation forces to Iraqis themselves—the people of Iraq participated in their first open election in fifty years. In the lead-up to the vote, U.S. secretary of defense Donald Rumsfeld argued that holding elections in Iraq was an important development for the Iraqi people and for the external forces occupying the country. Elections would transfer sovereignty back to Iraqis, provide them with a sense of ownership, and therefore reduce the reasons for insurgency. When the voting for a transitional National Assembly occurred, Iraqi voters were confused about the election itself, and the elections were boycotted by a key component of the electorate.⁶⁰ In December 2005, there was greater participation in the vote for Iraq's parliament, but voters chose along strictly factional lines. As a result, the impact of elections on the incipient civil war in Iraq has been limited at best.

In contrast to these pessimistic predictions, other observers argue that even flawed elections are a step in the right direction. The reason is that the exercise of administering elections provides valuable experience to the new authorities and, over time, strengthens their ability to operate. In this line of reasoning, elections are important not only for building participation but also for strengthening government accountability. Carrie L. Manning has asserted that even if the elections are not entirely free and fair, the simple act of organizing elections and voting in them begins to train citizens how to behave in democratic polities. Once these behaviors become more ingrained,

58. Fareed Zakaria, *The Future of Freedom* (New York: W.W. Norton, 2003).

59. Thomas Carothers, "The End of the Transition Paradigm," *Journal of Democracy* 13, no. 1 (2002): 5–21.

60. Guttieri, "Elections in Iraq."

then the elections can become more genuine and issues of electoral fraud can be addressed.⁶¹

The impact of elections remains an open debate, and there is no clear evidence pointing in one direction or the other. For these reasons, each of our case studies investigate the effects of holding elections as transitional mechanisms.

The Outcome of Transitional Regimes

When Shain and Linz published *Between States*, the definition of success was very clear: “the assumption of power of a freely elected government.”⁶² That definition suited a transition from authoritarian rule in which the state and its monopoly on the legitimate use of force were unlikely to be in question. In the current era it has become more difficult to determine and measure when a transitional period has ended. This is what may have changed most from the earlier to the later cases of interim governance, because international intervention complicates the issue. We suggest that a transitional period has ended when a new or reconstituted, permanent, domestic government is able to wield *effective internal sovereignty*. By effective internal sovereignty we mean the dissolution of the interim structures and the *resumption of law and order functions* by the domestic regime.

Several locations lie along this route. The formal transition of power occurs with the founding elections, and this is the point at which Shain and Linz concluded that a transitional period had ended. We prefer to extend the analysis through to the *effective* or *genuine* transfer of power, which is when the domestic government is capable of creating and enforcing law and order. When the rule of law is reestablished (recreating the Rechtsstaat, or constitutional state), and when it is enforced by a domestic government, the interim period is over. If the “new” regime is able to enforce law and order only with the support of external powers, then the interim period may not genuinely have concluded.

When external military forces are engaged in the transition, the standards for success are multiplied. The post-conflict government must acquire a monopoly on force that extends across the nation. In some cases it must demonstrate an ability to hold its own territory without outside help. Meanwhile, the external actors have different interests and roles during a transitional period and hence different standards for success.

In the wake of civil conflict, transitional regimes confront the dual problems of extending state authority throughout the territory and bringing military forces under a unified civilian command. Extending state authority to

61. Carrie L. Manning, “Post-conflict Statebuilding and Comparativist Theories of Political Change” (paper presented at the annual meeting of the International Studies Association, Hilton Hawaiian Village, Honolulu, March 3, 2005).

62. Shain and Linz, *Between States*.

the peripheral areas of the country's territory has been a problem facing states since the end of colonialism in the 1950s, a situation made worse by the stasis imposed by the Cold War's support of the juridical aspects of statehood over the empirical.⁶³ States that had no capacity to govern or to meet even the minimal monopoly on the legitimate use of force as laid out by Max Weber certainly cannot carry out any of the more expansive functions common to the modern welfare state.⁶⁴ Basic control of territory, subduing internal rivals such as warlords and other non-state-sanctioned power holders, eludes recently installed governments from Afghanistan to Somalia.

The problems facing a newly installed regime encompass all the issues of extending state authority, yet contemporary international norms—more compelling during international intervention—preclude new governments from co-opting, repressing, or eliminating tribal authorities, religious leaders, or other competing sources of power.⁶⁵ Additionally, these new governments must reintegrate various sectors of society that were affected by internal conflict.

Disarming and demobilizing rival authorities, which often are also formal combatants in a civil war situation, constitutes a problem both for extending state authority and for establishing unified civilian rule. Coordination between external civilian and military actors adds more dimensions. To illustrate, the attempts by an external civilian power to create integrated structures in Kosovo were hampered because the NATO military force had earlier accepted Serb security and parallel structures.

The issue of eliminating internal rivals has become more complicated in international interventions. Often these tensions assume center periphery and ethnic overtones, which renders efforts to eliminate or co-opt them both difficult and against current international law. In Afghanistan, the United States empowered warlords to fight against the Taliban and, in the early stages of transitional rule, worked with these groups in a form of indirect governance. Once authority transitioned back to an indigenous organization, Hamid Karzai's central government had to contend with these regional warlords in the periphery. Even the external civilian Coalition Provisional Authority (CPA) in Baghdad at times competed against U.S. military division commander powers in the periphery.

The potential legitimacy issues associated with internationally imposed interim regimes further complicate the matter of extending state authority and demobilizing internal rivals. A transitional regime laden with outside

63. Robert H. Jackson and Carl G. Rosberg, "Why Africa's Weak States Persist: The Empirical and Juridical in Statehood," *World Politics* 35, no. 1 (1982): 1–24.

64. Cf. Peter Evans, "States," in *Embedded Autonomy: States and Industrial Transformation* (Princeton: Princeton University Press, 1998), 43–73; and Fukuyama, *State-Building*.

65. Mohammed Ayoob, "State Making, State Breaking, and State Failure," in Hampson, Crocker, and Aall, eds., *Turbulent Peace*, 127–142.

actors may lack the legitimacy to convince citizens to obey it instead of local powers, because the latter may often be perceived by residents as *more legitimate*. They may even go so far as to reject their own leaders who cooperate with outsiders. For example, when Bosnian-Serb leader Biljana Plavsic fired a hard-liner in her cabinet in 1997, she was perceived as turning on her own and for some time after needed NATO to provide her with physical protection.⁶⁶

Iraq illustrates yet another possibility—a legitimacy-efficacy conundrum. In an American military poll taken in February 2005, Iraqis in Baghdad and elsewhere were asked, “How would you rate your confidence in . . . ?” More respondents declared confidence in the armed national opposition to improve the situation in Iraq than expressed confidence in the U.S. military. Fortunately, their top choice was the formal indigenous structure of the Iraqi National Guard.⁶⁷ Despite these findings, polls indicated at the same time an Iraqi desire for U.S. forces to remain until the government can assume more control. The external forces, while not viewed as legitimate, nonetheless were viewed as necessary supplements to the domestic force.

Project Overview and Initial Conclusions

Early drafts of this chapter served as a conceptual guide for a series of case studies, whose authors were asked to address a set of questions that relate to two main areas: how these internationally governed transitional regimes affect, first, post-conflict domestic order and legitimacy and, second, good governance. In turn, the first part of the volume is composed of theoretical chapters that introduce many of the issues later taken up in the empirical chapters. These theoretical chapters lay out different dimensions of the issues under debate, and all ultimately raise the question of how much change really occurs in transitional periods. That is, can fundamental power relations be altered?

In the first part of the volume, Antonio Donini’s chapter provides a valuable discussion on the top-down processes of post-conflict reconstruction and gaps that emerge with it between the top and bottom: between international and local communities, and again between national and local groups. Arguing that it is more important to build a viable social contract than to

66. Kimberly Zisk Marten, *Enforcing the Peace* (New York: Columbia University Press, 2004).

67. In this poll, 20 percent expressed “a great deal/quite a lot” of confidence in the armed opposition, only 15 percent gave this rating to the U.S. forces, and 76 percent gave it to the Iraqi National Guard. Seventy-six percent replied “not very much/none at all” regarding confidence in the U.S. military. The largest “don’t know” number went to the armed opposition, at 29 percent. See Michael E. O’Hanlon and Nina Kamp, *Iraq Index* (Washington, D.C.: Brookings Institution), www.brookings.edu/iraqindex. The poll was taken on February 2, 2005; 90 percent of the sample came from Baghdad, and the remaining 10 percent from Mahmoudiya, Istiqlal, and Taji. The margin of error is ± 3 percent.

build an electoral democracy, Donini advocates a more inclusive approach. Elite bargains and interim governments that focus on the macro-institutions of the state often leave the conditions of daily life untouched and do little to address the security concerns that motivated people to support insurgencies in the first place.

Carrie Manning focuses on elite manipulation of transitional processes despite a seeming rupture in governance and authority. Manning's contribution takes on the idea that there are critical junctures during which power relationships are substantially renegotiated. In Steven Krasner's theory of punctuated equilibrium, institutions no longer structure politics during periods of rapid change or during periods of institutional suspension, in which power relations can be radically renegotiated. Manning, however, shows that even in these periods of rapid and massive change, institutions still structure politics. Even if newly implanted, as in a power-sharing arrangement or a temporary government, they still influence the process. Thus, the punctuation of the equilibrium is really not all that abrupt, and authority often remains in the hands of those who were powerful before the transition began.

Donald Rothchild's chapter focuses on power-sharing systems as tools of conflict management, finding that often these are actually counterproductive for peace and effective governance in the long term. Power-sharing agreements are fragile. Guarantees by external actors can rarely overcome the insecurity produced by power-sharing agreements that suffer internally from information and credible commitment dilemmas. These arrangements build new cycles of insecurity even if they were designed as mechanisms to reassure weaker parties.

Andrew J. Enterline and J. Michael Greig offer a completely different type and level of analysis. Their methodology is quantitative, and their argument centers on the macro level: they examine how externally imposed governments affect democracy and stability. Arguing that external imposition is a form of revolutionary change, the authors investigate the causes of political instability in externally imposed polities. Their analysis comes up with several interesting findings: imposed democracies initially create increased political instability when compared with imposed nondemocracies; economic development in externally imposed democracies often creates increased discontent and incidences of instability, rather than less; and in ethnically diverse countries, imposed nondemocracies are more stable than imposed democracies. Enterline and Greig note that the commitment of the foreign power imposing a polity is a key factor in stability: the longer the occupier remains in the country, and the more resources it commits (especially to strengthen the security apparatus), the better the chances for a lasting peace.

The second part of the volume turns to case studies selected to present a variety of interim governments that range from the traditional, mostly domestically organized transitional regimes to fully internationalized ones. Each of the cases under investigation experienced a different degree of domestic and international control in their interim governments, ranging from the primarily domestically managed transitional governments in Guatemala, El Salvador, Indonesia, and Liberia to the completely internationally run interim governments in East Timor, Iraq, and Kosovo. The various cases illustrate important differences in the form of the interim regime. Through this mix of experiences, the cases provide a sample of a broad range of transitional governance arrangements that are currently in practice, enabling a comparison of their longer-term effects.

In investigating the transitional governments in these countries, we posed a set of questions predicated on the fact that international engagement is not homogenous:

- Does the identity of the external facilitator affect the legitimacy of the interim government, and does the process of selecting an interim government affect the durability of the regime?
- How does the establishment of direct transitional authority, for example, provide necessary stability?
- Under what circumstances is external pressure productive or counterproductive, and how do we measure it?
- Regarding the issue of good governance, are there benefits of an internationally created and managed interim government for the creation of a domestic, democratic government that has enough state capacity to provide at least the internationally accepted minimum of public goods?
- How do the choices of an interim administration affect the quality of regime that results once the interim period has ended?
- Is democracy always the outcome, and how does the type of interim regime affect the nature of the post-transition government?
- Do some structures, such as caretaker or internationally mandated opposition-led structures, face greater likelihood of protracted or “stunted” transitions?

Finally, we asked our case study authors to address how the nature of the international authorities constituting the transitional regimes affects the domestic acceptance of these regimes. This relationship will have a direct affect on virtually all the issues with which we are concerned. Many observers have noted that one of the problems in the first two Iraqi interim regimes was that they were seen to be either direct American occupation authorities or puppets of the occupying forces.

Larry Diamond argues that if transitional regimes have international legitimacy, then they are more likely also to receive domestic acceptance:

“When there is broad international engagement and legitimacy, people within the post-conflict country are less likely to see it as the imperial project of one country or set of countries. All else being equal, international legitimacy tends to generate greater domestic legitimacy, or at least acceptance, for the intervention.”⁶⁸ We posit, however, that this is an empirical question rather than a theoretical statement, and therefore one of the issues that the following papers raises revolves around investigating the relationship between the identity of those creating and running transitional regimes and the legitimacy of resulting governments.

Posed in this way, these questions create a natural bridge between comparative politics and international relations. Few areas of inquiry bridge the traditional divide between these two fields more than the study of post-conflict stabilization and reconstruction, and within this, the issue of transitional regimes. When designing transitional regimes, the arrangements necessary to help create a stable, peaceful, and democratic political order hinge directly on the nature of the conflict, the interests and capacities of international actors, and the strengths and capacities of the various parties to the conflict at the time of the intervention.

Some contextual features of the cases are particularly noteworthy. The interim governments examined in our project were largely forged in violent environments. In almost every case the context is one of deep ethnic or sectoral division. Independence movements marked some conflicts (East Timor, Kosovo), irredentism characterized others (Bosnian Serbs), and competition for control of the state characterized the remainder of the cases (including the postinvasion competition among Iraqis).⁶⁹ In other cases (Guatemala, El Salvador, and Indonesia), authoritarian regimes gave way in the face of domestic opposition. El Salvador and Guatemala confronted strong rebel

68. Diamond, “Lessons from Iraq,” 15.

69. Kosovo’s independence movement led to international intervention, Bosnia’s war seemed at once internal and interstate, and factions within Liberia and the DRC fought over control of the state. Other countries, such as Afghanistan and Iraq, experienced interim governments following foreign invasion and, in the case of Iraq, external occupation. After Indonesian-supported militia in East Timor committed widely condemned atrocities, Indonesia relinquished control. This permitted a robust Australian peacekeeping force to arrive unopposed to guard over the United Nations’ administration of East Timor’s independence. Civil wars in El Salvador, Guatemala, Cambodia, Bosnia, Liberia, Burundi, and the DRC were addressed by internationally brokered—and to varying degrees internationally implemented—peace accords. These cases in particular, then, highlight the conditions of the settlement as playing an important role in the interim structure that followed. Bosnia’s war was waged among robustly organized armed forces supported by outside powers. Although the devastation of modern organized combat was severe in Bosnia’s case, the organizational structure provided leverage for disarmament, demobilization, and reintegration efforts. In the case of Kosovo in 1999, a NATO bombing campaign against Serbia led to withdrawal of Serbian support to militia forces committing abuses, as in East Timor, against the majority dissident population. As in East Timor, a robust but permissive entry set the stage for a highly articulated UN bureaucratic administration.

movements, while international actors pushed military-dominated regimes toward more inclusive government.

The cases vary in the way the previous regimes ended. In Indonesia, the dictator Soeharto and his chosen agent of the interim, B. J. Habibie, both understood the scope of their domestic and international legitimacy crisis. They accepted that the authoritarian regime was no longer viable, but they also appreciated that the opposition was not sufficiently robust to take over or even yet to share in the governance structure. In Afghanistan, when outside powers aided insurgents against the Taliban regime, there was no hurting stalemate, peace accord, or capitulation. The victors viewed themselves as being entitled to the spoils of the state after war. Only now, however, other interested parties—that is, international, national, and non-governmental agencies—inhabited their field of play. Despite victory, the U.S. invasion to topple Saddam Hussein's regime in Iraq created a power vacuum. President George W. Bush himself has called the U.S. quick capture of Baghdad a "catastrophic success."⁷⁰ When the occupation proved weak, resistance and internal competition among Iraqis came to the fore. The war itself proved less costly in lives than in the years of occupation and stabilization that followed.

William D. Stanley's comparative study of transitions in El Salvador and Guatemala provides an example of the classic interim government model in which military regimes confront legitimacy crises. In both cases, the international community provided guidance and management at crucial junctures in the transitional process, as during a critical period of voter registration in El Salvador.

Michael S. Malley provides Indonesia as a case study of an incumbent-caretaker model of transition from authoritarian rule. The East Asian financial crisis of 1997 and the global currency crisis that accompanied it undermined the Soeharto regime's hold on power. As liberalization snowballed into a full-blown transition, Soeharto stepped down in favor of a domestically appointed and managed caretaker government. As in Stanley's examples, rivalries within the armed forces critically shaped the resultant transitional processes. The incumbent, confronting a weak opposition and a divided military, controlled the transition, ensuring, in a theme similar to that in Manning's chapter, that he would remain a powerful actor in the post-transition phase.

Devon Curtis's chapter on Burundi and the DRC presents two cases of externally facilitated peace agreements that led to domestic power-sharing interim governments. The larger international community was unwilling to get involved to any significant degree, leaving the peace processes to be

70. Nancy Gibbs and John F. Dickerson, "Inside the Mind of George W. Bush," *Time* 164, no. 10 (2004).

pushed forward by regional actors and organizations. Domestic actors managed the interim governments, but external actors made critical decisions about who could participate in the talks leading to the creation of the temporary regimes and who would lead those transitional governments once created. Curtis shows that an elite focus on power-sharing bargains creates a sharp disconnect between the elite-centered transitional government and the citizens on the ground. Together, these dynamics create domestic legitimacy problems. In this analysis, Curtis matches the insights of both Donini and Manning, fleshing them out with rich empirical detail.

In his chapter on Liberia, E. Philip Morgan brings out the insight that internationally governed transitional governments have difficulties gaining legitimacy on the ground, even if the United Nations and other international actors consider the government viable. Like Curtis, Morgan stresses the trade-offs in populating an interim government: should they include combatants and therefore potentially create a government with questionable legitimacy on the ground, or should they exclude combatants and therefore leave potential spoilers out of the peace process? Morgan introduces a new dimension into the analysis by addressing the role of economics. Just as victors may fight over spoils rather than focus on governance, the international community may also gain leverage by creating domestic institutions with significant international oversight and/or control of the economy to retain influence even in domestic processes.

Aurel Croissant compares the transitional processes in Cambodia and East Timor. In both of these cases, the international community plays a more direct and involved role than in any of the prior chapters. Echoing Donini, Croissant makes the fundamental point that sustainable peacebuilding and transition from authoritarianism to fully institutionalized liberal democracy require more than ending civil strife. Croissant argues that there is a delicate balance among creating an effective and impartial international regime, incorporating locals to increase ownership, and preparing citizens to resume control. He presents Cambodia as a cautionary tale about pushing democratization on a war-torn country too quickly, without any change in underlying power structures. In these insights Croissant brings together the arguments of Manning and Enterline and Greig. Reconstruction takes at least a decade, and democracy can be created prematurely.

In the range of the fully internationalized interim administrations, our chapters cover Afghanistan (the least internationalized of this variant), Bosnia, Kosovo, and Iraq, although the conditions leading to the need for a fully internationalized interim administration differ among cases. Lenard J. Cohen's assessment of the regime in Kosovo provides a case of the full neotrusteeship type of administration in the wake of civil war and the absence of agreement on the future status of territory. UNMIK, the international administration, assumed virtually all governance functions—security,

economy, services—for more than ten years. UNMIK also demonstrates some of the drawbacks of the international administration model, such as being hampered by organizational rivalries and difficulties in coordinating the large number of organizations operating under the UNMIK umbrella. The ambiguity of Kosovo's future status—as an independent state, part of Serbia, or something in between—adds to the burden of transition. Violent events in 2004 sparked a renewed effort by the international community to move simultaneously toward achieving international standards, such as minority protections, and some form of enhanced sovereignty, if not full statehood.

Writing on Bosnia, Mark Baskin brings out the dilemmas created when local transitional administrations share power with international actors: the problems of negotiating cumbersome power-sharing arrangements between the indigenous actors are compounded when power is shared, yet again, with the international actors. Baskin argues that by remaining aloof and continuing to characterize itself as only a facilitator, the United Nations misses a critical role to force greater coordination and cooperation. This also means that in Bosnia, the responsibility for transformation continues to rest with the affected society.

Thomas H. Johnson's chapter on Afghanistan illustrates a common theme in the volume: even in a situation where there is no clear "victor's justice," the groups that are strong at the cessation of conflict write the rules of the game to skew it in their favor for the long term. Paralleling Curtis and Morgan, who demonstrated how the composition of the participants in peace talks influences the viability of the interim administration, Johnson emphasizes that the Bonn Agreement was not a peace agreement because the losers were not at the table; only the winners of Operation Enduring Freedom participated in the process. This left the transitional and permanent regimes with spoiler problems that hamper the ability of the Kabul government to extend control outside the limits of the capital city.

Writing on Iraq, Christina Caan, Beth Cole, Paul Hughes, and Daniel P. Serwer bring the insider's perspective to an analysis of interim government under insecure conditions administered by an international agent (the United States) that had never intended to run an occupation government. Their analysis of Iraq continually brings out the theme of an "iron triad" of legitimacy, governance, and security; interim governments need all three in order to create any form of government that can rule without challenge. Every time the coalition forces made an improvement in legitimacy, governance, or service provision, the failing security situation would create problems for the continuance of those improvements, further sapping the legitimacy of the forces.

This chapter brings out strongly the idea that international legitimacy does not create domestic legitimacy and that domestic legitimacy is easily lost. Partly because they were not elected from below and partly because the

Iraqis felt no sense of ownership in the process, transitional institutions there lost legitimacy. Accordingly, this chapter brings the volume back full circle to Donini's insights that a failure to bring about positive peace can actually threaten even the minimalist concept of securing the negative peace.

A few of the more important findings from these studies are as follows:

- Despite an apparent window for vast change, the groups that are powerful at the end of the conflict phase tend to be the ones that remain powerful into the post-conflict phase. Even in these periods of rapid and massive change, institutions still structure politics. These institutions may have been newly implanted, as in a power-sharing arrangement or a temporary government, but they nonetheless still influence the process.
- Internationally run transitions tend to create the largest disconnects between the elite and the masses. Negotiations to build cooperation among former aggressors commonly focus on elite power sharing, and governance programs tend to focus on getting the macro-level institutions in place. This often creates a government out of touch with the realities of life for common people and the security issues they face (Afghanistan, Bosnia, Donini). However, even in the domestically run transition in Indonesia, the elites were so concerned about buying off potential secessionists that they neglected to address intercommunal violence.
- Elite-driven power-sharing arrangements and transitional governments have difficulty extending their powers. The lack of power and the preoccupation with an elite division of power seem to have prevented many of these governments from creating governance capacity and transparency. The governments that have experienced the best records on this front are the ones designed and driven more by internal than external powers (Burundi, DRC, Donini, Manning).
- The international community can play a critical, though limited, role even in interim regimes that are domestic affairs (El Salvador, DRC). However, imposed nondemocracies appear to be more stable than imposed democracies (Enterline and Greig). The commitment of the foreign power that is imposing a polity is a key factor in stability: the longer the occupier remains in the country and the more resources it commits (especially to strengthen the security apparatus), the better the chances for a lasting peace.
- In most cases, implementing peace agreements and a transitional government without a coercive enforcement capability has longer-term negative effects. In some, it allows combatants to remain outside the transitional process, remaining potential spoilers. In others, the failure

to establish civil order creates legitimacy crises for outsiders and the locals taking over for them (Iraq, Kosovo).

- The international community is developing a new tool, evidenced in Liberia, of withholding economic sovereignty once political sovereignty is returned to domestic forces. The results and effectiveness of this tactic have yet to be fully realized (Morgan).
- Domestic contenders will exploit gaps at the seams of external authorities when they are divided among multiple agencies, including civilian and military components (Bosnia, Kosovo).
- There is a difficult tension between organizing an international regime to completely run a country and attempting to prepare that country to resume sovereign governance (Bosnia, Cambodia, East Timor, Iraq). Ambiguity over sovereignty adds to the burden of transition (Kosovo).

In sum, this project follows in the footsteps of many who have begun to merge the insights of comparative politics with international relations and to apply new approaches to the study of conflict resolution and transitional regimes. Together, this diverse body of work has already begun to modify the model proposed by Shain and Linz, yet the task still remains to draw the various works together into a comprehensive attempt to analyze the new interventionism in transitional regimes. We explore various aspects of the newly emerging range of interim regimes, focusing on issues of legitimacy, conflict management, and how international involvement affects the balance of power among domestic elites. Ultimately, we are interested in exploring how transitional regimes affect political stability and good governance in the reconstruction phase and beyond.

Overall, the chapters provide an overview of the various forms of interim governance, with particular emphasis on their effects on longer-term legitimacy, stability, and governance. The cases that experienced primarily domestic-led interim regimes help to clarify when the influences of the international community become critical, while the more internationally managed interim regimes display the unique mix of challenges and opportunities that these regimes face. Creating domestic legitimacy through external trusteeship (as in Iraq and Kosovo, for example) proves to be quite problematic and is a theme that surfaces in many of the cases in the volume. The collected works submit that the interventionism of the international community, especially its commitment to state building, raises fundamental issues of legitimation, restructuring, conflict resolution, and how all this relates to building the micro-foundations of government. Through these works we hope to lay the groundwork for future efforts to monitor and assess the conditions and programs that enable transitional governments to create stable and legitimate systems of governance in post-conflict and transitional societies.