

DISSENT

Collateral Benefit

By [Rob Jenkins](#)

IT takes an almost reckless optimism to find a silver lining in the abject failure of basic institutions, let alone democracy, to take root in postwar Iraq. But look hard enough and it's possible to discern one: enhanced legitimacy in the international community for what has been called "neotrusteeship," an arrangement whereby multilateral institutions temporarily govern states that have collapsed in spasms of misrule and violent conflict.

With so much media focus on Iraq, it is not surprising that many people are unaware that several countries are currently under some form of international trusteeship, and that this trend was well underway prior to the U.S.-led intervention in Iraq. A few of these multilateral protectorates are run directly by the UN, though usually as part of a consortium that includes other international bodies, such as the North Atlantic Treaty Organization, the European Union, the African Union, and the Organization for Security and Cooperation in Europe. Since the early 1990s, these "transitional administrations," as they are sometimes called, have operated under various provisions of international law. UN action in Namibia and East Timor was a way of dealing with the unfinished business of decolonization. The UN's role in Cambodia from 1992–1993 was confined mainly to overseeing the conduct of multiparty elections.

Increasingly, however, trusteeship-like arrangements are designed to respond to "state failure." The definition of what constitutes a failed state is highly subjective, and the appropriate response to the breakdown of civil authority is among the most controversial issues facing both the UN and its member states. The international community now has a fairly wide range of options, including less extreme measures, to cope with what are sometimes called "crisis states"—those at risk of failing. For these borderline cases, as well as those recovering from failure, the World Bank uses the term Low-Income Countries Under Stress. Some international agencies speak of "fragile states." The outright assumption of sovereign authority by the UN is in fact rare, but the mere existence of this very real possibility can motivate states to accept "offers" from the UN to dispatch "peacekeeping," "stabilization," or "support" missions. Because these are inevitably seen by at least some domestic actors as transitional-authorities-in-waiting, such missions often wield more power than the formal agreements authorizing their presence might suggest.

Bosnia and Kosovo are clearly at the extreme—full trusteeship—end of the response spectrum. Both territories are governed by UN missions, headed by appointees who exercise wide-ranging executive authority. East Timor was ruled as a UN protectorate—though on the basis of a different legal justification—for three years before becoming an independent state in 2002. It still receives substantial UN assistance to sustain itself, including help in bringing to justice those charged with crimes against humanity. Afghanistan's government is in a different though not altogether dissimilar situation. Although the country enjoys a nominal form of

what is sometimes called “international legal sovereignty”—recognition by the international community of Afghanistan’s right to enter into treaties and incur sovereign debt—the Kabul regime’s tenuous hold over its territory (the sine qua non of domestic sovereignty) depends on a NATO force that operates under a UN mandate. Sierra Leone is another state where the breakdown of the rule of law in the mid-1990s led to intervention by the UN, which then proceeded to coordinate the rebuilding of governmental authority.

To be sure, “the new trusteeship” has not met with universal acclaim. For many people, it is too reminiscent of the old trusteeship, the doctrine under which European colonial powers justified their “civilizing” missions in Africa and Asia during the late nineteenth and early twentieth centuries. Trusteeship also featured prominently in the postwar settlements of 1919 and 1945, allowing the victorious powers in both world wars to hold the losers’ colonial possessions “in trust”—and under at least nominal international supervision—until their inhabitants were sufficiently schooled in the art and science of civic affairs to earn the right of self-government. The results of that experiment, including such problem cases as Ethiopia, Somalia, and Libya, were sufficiently grim to undermine many people’s enthusiasm for yet another revival of international trusteeship.

WHAT DOES all this have to do with Iraq? One view is that the Bush administration’s handling of Iraq has damaged not only America’s credibility in the world but the entire idea of external intervention in, and especially multilateral administration of, failed states. The flawed intelligence on which the invasion was justified, the apparent violation of international law, and most important, the disastrous planning and execution of the reconstruction effort have been the subject of unremitting criticism. The United States has long been accused of imperial tendencies. Although the international community grudgingly accepted U.S. overthrow of the Taliban, it almost unanimously condemned the invasion of Iraq, so that the labeling of America as the new Rome has become routine and is now a rallying point for political discontent around the world.

With a heightening of the anti-imperial mood worldwide, UN-run administrations in Kosovo and elsewhere could be tarred with the same brush. In the immediate aftermath of the Iraq invasion, the hard-won legitimacy of international trusteeship, which had to overcome earlier disasters in places such as Somalia, appeared at risk. The global upsurge of anti-imperialism threatened to spill over into a wider insistence on restoring the extreme conception of state sovereignty that prevented humanitarian intervention both during the cold war (in Pol Pot’s Cambodia, for instance) and after its end (during the 1994 genocide in Rwanda).

Even prior to the Iraq invasion, the UN had received intense criticism for the lack of accountability with which its “viceroys” ruled its Balkan protectorates in Bosnia and Kosovo. One widely cited report, by Jaret Chopra [Survival 42:3 (2000)], even referred to misrule in “the UN’s Kingdom of East Timor.” Short of actually improving its record on the ground, the best thing that could have happened to the UN’s reputation as an agent of trusteeship was for an even worse form of transitional administration to emerge on the international scene. And the Bush administration obliged.

America’s failure to construct a functioning state in Iraq appears to have given a boost to those, like UN Secretary-General Kofi Annan, who advocate an expanded role for international trusteeship in a world where failed states threaten to export political instability. Rather than

discrediting the idea that failed states should be governed as multilateral protectorates, the perceived illegality of the U.S.-led invasion of Iraq and the patent ineffectiveness of its state-building efforts have instead focused attention on the need for such actions to possess legitimacy. Note, for instance, that the underlying logic of Representative John Murtha's call for a rapid withdrawal of U.S. troops from Iraq is that the illegitimacy of the U.S. presence makes American soldiers easy targets for insurgents. Rightly or wrongly, the failure for the rule of law to take root in Iraq is routinely blamed not on foreign occupation as such, but on occupation by an external actor widely seen as motivated by imperial ambition.

By comparison, the UN now oozes legitimacy. Despite a number of appalling cases of sexual abuse involving its peacekeepers, the UN is seen as the only actor with the moral authority required to undertake the complex task of reconstructing state sovereignty; that is, reestablishing the rule of law domestically and re-integrating a once-failed state into the international community. This is not to deny that the U.S.-led invasion of Iraq delivered a terrible double blow to the UN's standing: the Security Council showed itself incapable either of pressuring Saddam—sanctions were a joke, as the Volcker report has shown, and international resolve to strengthen them was, if anything, weakening—or of restraining the United States from taking matters into its own hands.

The silver lining in the cloud that looms over Iraq is that criticism of the UN's various missions, while still voluble (and rightly so in many cases), is far less vitriolic than it might have become had the United States not shown what incompetent, unaccountable state-building on a truly massive scale really looks like. America's failure in Iraq, and the extent to which it is attributed to a lack of legitimacy, domestic and international, has placed the UN and other advocates of international trusteeship in a strong position, rhetorically at least. Strengthening the UN's role in "troubled societies"—as Stephen Krasner has described countries that fall short of complete failure—is the most likely response from those who might earlier have called for the international community to scale back its ambitions. Increasingly aware of the immense cost that more or less unilateral occupation in Iraq has entailed, Americans (the public, if not the current administration) may even have begun to see the virtues of the UN as an institution through which the burdens of state-building can be shared.

SO THE SEEMINGLY intractable problems faced by the United States in Iraq appear not to have soured the international community on the idea of temporarily transforming failed states into externally governed protectorates or of intervening less comprehensively in those that threaten to descend into lawlessness. The Bush doctrine of preemption has not undercut, and may even have strengthened, enthusiasm for preventive international action to forestall state failure. This is good news for people whose only hope of a better life is the willingness and ability of multilateral institutions to resuscitate states whose demise has in many cases been worse than the misrule over which they once presided.

Perhaps because their reasons for opposing America's invasion of Iraq vary so widely—realists saw Iraq as peripheral to America's interests; liberals feared the damage to international law—critics have found a patch of common ground. A consensus is emerging that any attempt to repair a failed state (which may or may not be what Saddam's Iraq was, depending on one's definition) requires international legitimacy if it is to stand a chance of success. This is widely translated as a need for such actions to be conducted under UN auspices.

Over the past two years the United States has worked with France, its nemesis on Iraq, to mount international responses, under UN auspices, to two other states on the verge of collapsing (and which may still collapse), Haiti and Cote d'Ivoire. Each of the years since the Iraq invasion has also seen an increase in the number of troops assigned to UN peacekeeping missions worldwide. Throughout 2005, the secretary general's representative in Sudan, former Dutch minister of international development Jan Pronk, quietly but firmly increased the UN's influence over the country's levers of power. The prospect of slipping into something more closely resembling multilateral trusteeship might cause Sudan's government to change the policies that have produced the country's dire human rights situation. If it doesn't do that, will the UN prove unable, as opposed to unwilling, to act effectively in Sudan? There are faint signs of improvement on this score. U.S. backing for Kofi Annan's proposal to replace the African Union's underperforming contingent of peacekeepers with a UN force may indicate not only a recognition of the need to improve the UN's capacity in Sudan but also a readiness in the international community to ratchet up the pressure on states that engage in massive and continuing human rights abuses.

THE UN is also taking steps to improve its institutional capacity to cope with a potentially large increase in demand for trusteeship-like arrangements. The September 2005 UN summit endorsed the call for a permanent commission to fund and oversee "peacebuilding"—UN jargon for state-building in conflict-ridden societies. Depending on how it works in practice, a UN Peacebuilding Commission could make the installation of hybrid forms of international trusteeship far more feasible, effective, and sustainable. There are good reasons to suspect that the Peacebuilding Commission, the basic structure of which was approved by the General Assembly in December 2005, will prove less than optimal. But so long as it increases the authority of the secretary general to initiate even limited action and provides funding that will relieve the pressure on special representatives to plead continuously for money from donors whose priorities shift with the tides of public opinion, the new commission has to be an improvement over the shockingly ad hoc arrangements under which state-building activities are currently conducted. September's summit also approved the idea that UN member states face a "Responsibility to Protect." Although the operational meaning of that phrase is still under discussion, it surely represents another nail in the coffin of the extreme doctrine of sovereignty that for so long prevented external intervention in states on the verge of implosion.

Sadly, the supply of failed states will not decrease any time soon. If anything, the instability associated with porous borders and global interdependence will push even more barely functioning states from crisis to outright collapse. America's Iraq misadventure, while equally depressing, has (rather surprisingly) shifted the debate away from whether international trusteeship is too tinged with colonial overtones to cope with state failure. Instead, the question is how best to make transitional administration under multilateral stewardship legitimate enough to be effective.

The UN must seize this opportunity to show its ability to strengthen the rule of law. If it does not, it won't be only the idea of trusteeship that will be lost but also the trust of those people unlucky enough to live in regions where the state has all but vanished.

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