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How to stabilize failing states: the good, the bad and the ugly of international intervention

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NAVAL POSTGRADUATE SCHOOL

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THESIS

HOW TO STABILIZE FAILING STATES:
THE GOOD, THE BAD AND THE UGLY OF
INTERNATIONAL INTERVENTION

by

Osman Mentes
Robert W. Hagerty
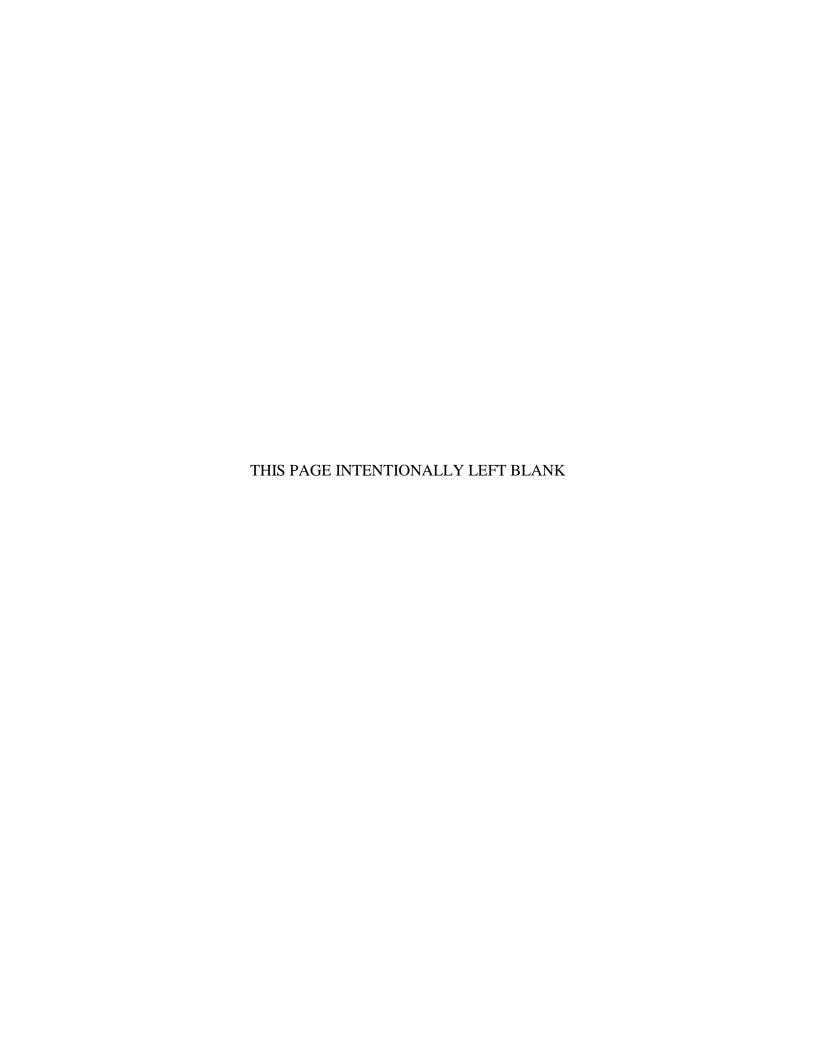
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The international community is often challenged with stabilizing failing states that are incapable of providing security, health, food and water to their citizens. Humanitarian concern about starvation, rapes, massacres, and oppression of the vulnerable in these states must be addressed. These states may also provide safe havens for terrorists and other groups that become threats to global security. The international community establishes complex missions with both a "soft approach" of providing only humanitarian aid and a stronger version that exercises binding power over local stakeholders. This thesis analyzes these complex international interventions and argues that missions with binding power are more successful. It begins with theoretical reasoning on why missions with binding power are expected to be successful and continues with empirical data through the comparison of 13 international missions in eight different countries. Five of these international interventions in three countries are reviewed in detail. The UNMIK and EULEX in Kosovo and UNOSOM in Somalia are considered as successful examples while the UNOSOM II and AMISOM in Somalia are failures. Finally, this thesis analyzes the current situation in Yemen and provides policy recommendations by applying lessons drawn from the analysis and comparison of the case studies in Kosovo and Somalia.

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HOW TO STABILIZE FAILING STATES: THE GOOD, THE BAD AND THE UGLY OF INTERNATIONAL INTERVENTION

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ABSTRACT

The international community is often challenged with stabilizing failing states that are incapable of providing security, health, food and water to their citizens. Humanitarian concern about starvation, rapes, massacres, and oppression of the vulnerable in these states must be addressed. These states may also provide safe havens for terrorists and other groups that become threats to global security. The international community establishes complex missions with both a "soft approach" of providing only humanitarian aid and a stronger version that exercises binding power over local stakeholders. This thesis analyzes these complex international interventions and argues that missions with binding power are more successful. It begins with theoretical reasoning on why missions with binding power are expected to be successful and continues with empirical data through the comparison of 13 international missions in eight different countries. Five of these international interventions in three countries are reviewed in detail. The UNMIK and EULEX in Kosovo and UNOSOM in Somalia are considered as successful examples while the UNOSOM II and AMISOM in Somalia are failures. Finally, this thesis analyzes the current situation in Yemen and provides policy recommendations by applying lessons drawn from the analysis and comparison of the case studies in Kosovo and Somalia.

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LIST OF ACRONYMS AND ABBREVIATIONS

AAK   Alliance for the Future of Kosovo

AATRP   Alliance against Terrorism and Restoration of Peace

AMISOM   African Union Mission in Somalia

AQAP   al-Qaeda in the Arabian Peninsula

AU   African Union

CCA   Common Country Assessment

CIA   Central Intelligence Agency

CIVPOL   Civilian Police

COIN   Counter-Insurgency

CTU   Counter Terrorism Unit

DA   Development Assistance

DDR   Demobilization, Disarmament, and Reintegration

DSCA   Defense Security Cooperation Agency

ESF   Economic Support Fund

EU   European Union

EULEX   European Rule of Law Mission

FMF   Foreign Military Financing

GAO   United States Governmental Accountability Office

GCC   Gulf Cooperation Council

GDP   Gross Domestic Product

GHCS   Global Health Child Survival account

HPD/CC   House and Property Directorate and Claims Commission

IDP   Internally Displaced Persons

IGAD	International Governmental Association for Development
IMET	International Military Education and Training
IMF	International Monetary Fund
JAC	Joint Advisory Council on Legislative Matters
JIAS	Joint Interim Administrative Structures
KCA	Kosovo Cadastral Agency
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
KSF	Kosovo Security Forces
LDK	Democratic League of Kosovo
MYM	Movement of Youth of Mujahedeen
NADR	Nonproliferation, Anti-terrorism, Demining and Related Programs
NATO	North Atlantic Treaty Organization
NGO	Non-Government Organizations
NRC	National Reconciliation Committee
OSCE	Organization for Security and Co-operation in Europe
PDK	Democratic Party of Kosovo
PISG	Provisional Institutions of Self-Governance
RAND	Research and Development Corporation
RDP	Reconstruction and Development Program
SCER	Supreme Commission for Elections and Referenda
SJC	Supreme Judicial Council
SNA	Somalia National Alliance

SNM	Somali National Movement
SPLA	Sudanese People Liberation Army
SPM	Somali Patriotic Movement
SRSG	Special Representative of the Secretary-General
SSA	Somalia Salvation Alliance
SYL	Somalia Youth League
TFG	Transitional Federal Government
TNG	Transitional National Government
UIC	Union of Islamic Courts
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Program
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNITAF	Unified Task Force
UNMIK	United Nations Mission in Kosovo
UNMIS	United Nations Mission in Sudan
UNMISET	United Nations Mission of Support in East Timor UNOSOM
UNPOS	United Nations Political Office for Somalia
UNSC	United Nations Security Council
UNTAC	United Nations Transitional Authority in Cambodia
UNTAET	United Nations Transitional Administration in East Timor
USAID	United States Agency for International Aid
USC	United Somali Congress
WFP	World Food Program
WHO	World Health Organization

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I.   INTRODUCTION

A.   PURPOSE

The purpose of this thesis is to explore why complex international interventions in failing states are not always successful and what should be done to better stabilize these states. The focus will be on how the binding power of the international actors over local government affects the success of international intervention.

B.   BACKGROUND

The international community often struggles with reconstructing failing states. In some cases the UN and other international actors succeed, while in others they fail. It is imperative that the international community carefully study the lessons learned from past success and failure in order to develop strategies for future cases. This thesis will examine several cases in order to better understand how the binding power of the international actors leads to a stabilized state. Lessons learned will then be applied to outline the best course of action for stabilizing Yemen and to ensure success and stability in the region.

Some failing states no longer have a functioning government, while some others have a partially functioning government that can only control a small part of the territory. Almost all are unable to provide basic services to their populations.[1] People of these countries live in tragic conditions, as eloquently illustrated by William Russell Easterly:

> Almost three billion people live in poverty on less than two dollars a day, eight hundred and forty million people do not have enough to eat, approximately ten million children die every year from preventable and curable diseases, almost one billion people do not have access to clean water, and a quarter of the children of the poor countries cannot finish primary school.[2]

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[1]John J. Hamre and Gordon R. Sullivan, "Project MUSE -Toward Post-Conflict Reconstruction," *The Washington Quarterly* 25, no. 4 (2002): 86.

[2] William Russell Easterly, *The White Man's Burden: Why the West's Efforts to Aid the Rest have done so Much Ill and so Little Good* (London, Oxford University Press, 2007), 8.

These failing state situations have the potential to affect both regional and international stability. Ungoverned territories provide safe havens for terrorists and criminal organizations which, in turn, will become a threat to other states.[3] Therefore, it is vital that the international community unites their efforts, not just for the people of those failing states, but also for international security.

This thesis scrutinizes complex international interventions that embrace military, humanitarian aid delivery, and observatory-advisory tasks that fall under two subcategories: the broad approach of nation building, and post-conflict reconstruction which is not as broad but comprehensive enough for all necessary short- and middle-term functions of state building. To classify the necessary functions of post-conflict reconstruction, this thesis will use Robert C. Orr's model of four pillars: safe and secure environment, government and participation, social and economic wellbeing of the population, and justice and reconciliation.[4] A brief overview of 13 interventions into eight countries will be provided. These interventions are UN driven in such places as Cambodia, Kosovo, East Timor (twice), Afghanistan, Cyprus, Sudan, Somalia (twice), African Union intervention in Somalia, and European Union intervention in Kosovo.

International interventions into three of these countries will be scrutinized in detail, pillar by pillar: UN and EU interventions in Kosovo; UN, African Union and U.S. interventions in Somalia; and U.S., Gulf Corporation Council, and Saudi Arabian aid programs in Yemen. UNMIK and EULEX in Kosovo and United Nations Operation in Somalia (UNOSOM) are viewed as successful examples of complex international interventions, while UNOSOM II and the African Union Mission in Somalia (AMISOM) and international aid programs in Yemen are identified as examples of failure. The selection process identified cases to demonstrate acceptable and unacceptable outcomes when the decision is made to intervene and applying the lessons learned to current situations such as the case in Yemen. In these cases, the four pillars of the model will be compared and contrasted to demonstrate how the binding power of international actors

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[3] Robert C. Orr, *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, ed. Robert C. Orr (Washington, D.C: CSIS Press, 2004), 3.

[4] Orr, *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, 15.

affects mission success, followed by policy recommendations for the international community on how to intervene in Yemen and in future cases.

C.   RESEARCH QUESTIONS AND HYPOTHESIS

This thesis addresses several questions, including: How should a complex international intervention of a failing state be launched?   Should the international community set up a mission with a binding power over local authorities? Should they have power to impose rules and regulations, establish or restore and supervise local governments, inspect their activities, and hold officials accountable?

Within this analysis, the following hypothesis will be tested: Intervening actors must have binding executive power to manage the stabilization process and influence the target audience of the failing state. Some UN missions have failed due to the absence of binding power that would have enforced local governments' compliance with universal norms. Unfortunately, very little could be accomplished due to the fact that their mandate only allowed for the ability to monitor and provide advice that did not obligate the local government to follow. In such missions, the UN failed to prevent reoccurrence of clashes between rival groups as happened several times in Sudan and Cyprus. Conversely, the UN always succeeded in the missions with binding power, such as the cases in Kosovo, East Timor, and Cambodia. Therefore, an intervention in Yemen would require a strong agreement be signed with the local government; this agreement would entail UN supervision over aid delivery, elections, and reforms. The international interveners must have the authority to impose new rules and regulations over the existing government, provide guidance to the local actors, and hold them accountable for implementing advices.

D.   METHODOLOGY

This thesis initially examines the broad conceptual knowledge relating to effects of international binding power on mission success and then uses case studies to compare and contrast good and bad examples of international intervention in order to draw lessons and demonstrate best practices. Information covering 13 international interventions in eight countries such as Cambodia, Kosovo, East Timor, Somalia, Sudan, Yemen, Cyprus,

and Afghanistan will be briefly reviewed. The international interventions in three of these countries will be scrutinized using 4 pillars of post-conflict reconstruction; safe and secure environment, government and participation, economic and social wellbeing of the population, and justice and reconcilation. The first case to be reviewed is the successful UN (United Nations) and EU (European Union) peacekeeping operations launched in 1999 in Kosovo. The second case covers two UN operations in Somalia: the first, UNOSOM in 1991, illustrates a successful example while the second mission, UNOSOM II, resulted in failure two years later. The third and final case will involve Yemen and analysis of the efforts provided by the international actors such as the Gulf Cooperation Council, the United States and Saudi Arabia. The analysis will prove that these efforts are not enough to stabilize the ugly situation inside Yemen and will end with policy recommendations.

II.   LITERATURE REVIEW

A.   DEFINITIONS OF STATE, FAILING STATE AND TYPES OF INTERNATIONAL INTERVENTION

1.   A State and Its Core Functions

A state is a legitimate sovereign entity in a territorially bounded land, able to provide basic services and impose rules over its population. According to Thomas Hobbes, a state is made up from the leadership of a charismatic leader and a social contract between this entity and the population.[5] Others emphasize different factors to define a state. Max Weber highlights the importance of security and administrative control of the population. He defines a state simply as a "monopoly on the means of violence."[6] Robert I. Rotberg also agrees that the most important function of a state is security. According to Rotberg, a state is an entity which delivers some positive political goods to its population and the most important political good is security.[7]

Eliminating domestic threats and preventing crimes and other dangers to security is a top priority for any state to ensure its sovereignty. As appropriately explained by Rotberg, other political goods can be delivered only when security is provided. Additionally, Rotberg argues that the second most important political good for a state is free participation. In order for a state to function properly, citizens should be able to participate in the political process freely, openly and fully. This participation provides respect and support to key institutions like courts and legislatures, including tolerance to opposition and differences. Other important political goods are health care, education, banks, economic services, power, water, communication and transportation, infrastructure, and civil society.[8]

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[5] Thomas Hobbes, *Leviathan* (Harmondsworth, England: Penguin Classics, 1982).

[6] Talcott Parsons, ed., *Max Weber the Theory of Social and Economic Organization*, 1964 ed. (NY: Free Press, 1947), 14.

[7] Robert I. Rotberg, *When States Fail: Causes and Consequences*, (Princeton: Princeton University Press, 2004), 3.

[8] Rotberg, *When States Fail: Causes and Consequences*, 3.

Meierhenrich has a different view: the promotion of legality and bureaucracy are the most important tasks for a state as the two increase the trust among stakeholders.[9] Law has a symbolic value that signals what agents can expect from state and society and what they cannot, as well as facilitating the interaction among those indigenous agents. A strong bureaucracy is a key factor for a state to competently enforce necessary policies.

Likewise, Ashraf Ghani and Claire Lockhart believe that the rule of law is the most important state function. They hold that a state must have ten key functions, with the most important being the rule of law. In their book, *Fixing Failed States*, Ghani and Lockhart tally nine other functions: monopoly on violence, administrative control, sound management of public finances, investments in human capital, the creation of citizenship rights, infrastructure services, market, management of public assets, and public borrowing. The authors define a state as "a dynamic, citizen-oriented mechanism that is necessary for the constitution of a legitimate economic, social, and political order."[10]

Building off of Ghani and Lockhart's argument, this thesis will examine how the binding power of the international interveners affect the ten functions under the model of Robert Orr's four pillars. Table 1 shows how the ten functions align with the four pillar model.

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[9] Jens Meierhenrich, "Forming States After Failure," in *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg (Princeton University, 2004), 156–157.

[10] Ghani, Ashraf and Lockhart, Clare, *Fixing Failed States: A Framework for Rebuilding a Fractured World* (New York: Oxford University Press, 2008), 125–126.

	FOUR PILLARS OF ROBERT C. ORR			
	1ST PILLAR Safe And Secure Environment	2ND PILLAR Governance and Participation	3RD PILLAR Economic and Social Well-Being	4TH PILLAR Justice and Reconstruction
TEN FUNCTIONS OF GHANI AND LOCKHART	Monopoly on the means of violence	Administrative Control	Management of Public Finance	Rule of Law
		Investment in Human Capital	Formation of Market	
		Improvement of Citizen Rights	Infrastructure	
			Sound Management of Public Assets	
			Public Borrowing	

Table 1.   Alignment of the ten functions with the Four Pillar model

2.   Strong, Failing and Failed States

States can be classified as strong, failing, or failed states according to their performance in delivering the core functions mentioned above. Strong states perform well across these categories, creating a virtuous cycle in which authority translates into collective power that is kept accountable to the citizenry.[11] Failing states can be defined as countries with a dysfunctional government, unable to provide some of the basic services to citizenry, without access and control over a significant part of the territory. Citizens start to lose their trust in the state and conflict can easily flare up between groups that compete for power. If one party clearly wins, the new state is established; otherwise, the state will continue to fail.

At a certain point, it becomes impossible for the indigenous actors to reestablish the state and international assistance becomes vital. A failed state can no longer provide for its citizens and in return the government no longer receives support. In many failed states, troops fight against an armed insurgency, sometimes facing more than one rival simultaneously. Paul Collier points to a set of problems that traps these countries from progressing: civil war, a dependence on the extraction and export of natural resources,

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[11] Rotberg, *When States Fail: Causes and Consequences*, 3–5.

and bad governance.[12] These states are desperately in need of international assistance due to the corruption and incompetent institutions failing to provide solutions to entrenched problems. If operations are left unsupervised they are likely to undermine the humanitarian operations and continue to exploit the goodwill of the international communities. Therefore, just observing and advising is not enough; the recommendations must be enforced with a binding power to keep them on a correct path with international values.

3.   Is it Possible to Prevent State Failure?

It is easier to solve a problem before it intensifies. However, the problem must be identified in this phase in order to apply the correct solutions. Although there are ways to predict state failure and address the symptoms and causes, the international community tends to not intervene in a timely manner. The intervention generally comes when the situation severely worsens. There are several reasons for this delay such as slow and tiresome decision making mechanisms of the international community, differing national interests, competition for power, and different ideological approaches.

Another handicap to a solution is a regional deficiency over cooperation. Weak and small states lack the support from their neighbors and they can prove harmful to each other. Paul Collier states:

> Despite the fact that smaller countries need more cooperation with their neighbors in order to supply public goods that are difficult to undertake alone within their own sovereignty, this cooperation is not obtained due to the mistrust of their neighbors.[13]

For example, one country would not want to place all of its dependence on electrical power provided by a neighboring country. Therefore, they are unable to overcome this obstacle without assistance from the international community.

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[12] Paul Collier, *The Bottom Billion: Why the Poorest Countries are Failing and What Can Be Done About It* (New York: Oxford University Press, 2007), 140.

[13] Collier, *The Bottom Billion*, 191.

David Carment argues that it is important to do something as early as possible, but the international community is consistently slow in understanding the early indications of state failure.

> State failure is mostly understood after they actually fail or collapse and the problem becomes harder to solve. Correct methods of monitoring activities and analytic calculations of the symptoms can assist in predicting state failure. Once diagnosed, the state failure can be prevented by applying coercive methods of preventive diplomacy and alleviate conflict.[14]

However, if the failure cannot be prevented, the situation will continue to be exacerbated with dense ethnic conflicts, killings, rapes, starvation, diseases and many other kinds of human made disasters. Although the process of the international community is slow, the media and democratic reactions of the masses in the developed countries have spurred the international community to intervene more swiftly. In most cases, the actual intervention normally occurs after the aid-only operations by international NGOs that arrived earlier to help the victims of statelessness.

4. State Building from Within vs. from Outside

Strayer eloquently states, "A state exists chiefly in the hearts and minds of its people; if they do not believe it is there, no logical exercise will bring it to life."[15] Once failed, the state can only be restored if underwritten by indigenous agents with a stake in its continuation. Jens Meierhenrich suggests that during the process of state formation or intervention, these agents have two choices: to steal the state or to preserve it.[16] If the stake holders believe that the state will protect their interests with regard to property, rights, representation or power, they will support it; otherwise they will pursue short-term personal benefits.

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[14] David Carment, "Preventing State Failure," in *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg (Forming States after Failure: Forming States after Failure, 2004), 135–136.

[15] Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton, N.J.: Princeton University Press, 2005), as cited by Meierhenrich, *Forming States after Failure,* 155.

[16] Meierhenrich, Jens. "Forming States after Failure" in *When States Fail: Causes and Consequences*, edited by Robert I. Rotberg. (Princeton, New Jersey: Princeton University), 2004, 154.

We acknowledge that a functional state can only be set up from within; however, international support is still vital for post-conflict reconstruction. Once the actual state failure starts, the indigenous actors are no longer capable of providing the most urgent tasks such as security and aid delivery. A safe and secure environment is vital for aid delivery as well as all future efforts of the reconstruction. Only the international actors are capable of addressing this emergency. Once these two provisions are attained, the trust of the local community through the state will increase as will international donations and aid. Finally the interveners can pass to the next level of institution building and long term development goals.

5.   Is International Intervention the Answer?

Rotberg states, "Intervention using diplomacy and humanitarian aid should be the primary strategy as opposed to direct military action."[17] This approach is generally accepted by the international community and the failing state itself, because it doesn't lead to the perception of occupation. So when is it necessary to intervene and how should it be done? Military intervention should only be used to correct a mass violation of human rights after assessing if genocide or other large-scale killing and serious violations of international humanitarian law are being committed. As for how it should be done, it is essential to use force that is proportional to the size of the threat with a technology as a force multiplier in line with universal values.

Ultimately, it is paramount for the international community to have an assembly that is unbiased to support humanitarian efforts. Mistakes will be made whether governments are run by the people or a dictator. If those mistakes include human rights violations by one of the five permanent members of the United Nations Security Council (UNSC), then other actions must be taken to make change or consider a restructuring of the UNSC and how the members maintain a permanent status. The UNSC is such an institution that is allowed to interfere in the internal affairs of another state. However, the UNSC can be seen as hypocritical at times when they fail to act for countries by turning a blind eye to one while deciding to enact military involvement for another. A bad

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[17] Rotberg, *When States Fail: Causes and Consequences*, 5–7.

reputation plagues the UNSC for ignoring atrocities such as the Syrian government and failing to act in a timely matter for other cases; however, a quick reaction to the recent events in Libya has raised the hopes for future interventions.

In the analysis of Yemen's ongoing issues, we can see that this politically tense country is home to many of the problems that constitute the definition of a "failing state." Terrorism, lack of basic services, political tension, and ethno-religious disputes are all present. If Yemen was a human body, it would be rushed to the emergency room and transferred to the Intensive Care Unit for long-term monitoring and recovery. In terms of prevention, it is evident that both forms of intervention may be necessary to include humanitarian assistance and some form of military intervention or peacekeeping force.

Aid and military intervention are both very costly, one in terms of money and the other in terms of blood. As generally suggested, aid is viewed with "diminishing returns:" the more aid given over time, the less effective it is in fixing problems and stabilizing states.[18] Military intervention, on the other hand, can trigger a national backlash from the population. As for the observatory-advisory missions, they are routinely incompetent due to the lack of administrative power. This leaves complex international interventions as the preferred scenario: a combination of military, humanitarian aid and observatory-advisory tasks, enforced with binding power. Binding power is the key ingredient to ensure that the local government and officials enact reforms and other recommendations provided by the international professionals. It means the international interveners must be competent and their advice must be mandatory for the local governments. Otherwise, incompetent and corrupt local governments will hamper the intervention.

B.   INTERVENTION TYPES

International intervention comes in four categories: aid-only, military, observatory-advisory, and complex interventions. Aid-only interventions are good for new cases and usually done by international NGOs or UN institutions. But in more complex cases, this approach is often too weak for the harsh conditions of post conflict

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[18]Collier, *The Bottom Billion*, 100.

environments. Security of the operation and personnel, for example, are left to the mercy of incompetent local government forces or armed groups. By the same token, observatory missions are another form of soft approach to intervention. The personnel of these international missions can only conduct observations, provide advice to local institutions with no obligation, and send their reports to the UN headquarters. This incompetent hands-off approach does not match with the actual necessities and realities of the field. As with humanitarian aid programs, the observatory and advisory missions are more useful when used as part of a complex international intervention.

Because of the importance of security, military intervention has a significant prominence for interventions. Often the security situation deteriorates in post-conflict areas and these weak countries are vulnerable to military coups and occupation by neighboring countries with their own agenda. The forces of these failing states are generally incapable of providing services and are generally part of the problem rather than the solution. The neutrality of multinational militaries makes them the best security providers for these states.[19] Paul Collier ascertains that military intervention in failing states can expel an aggressive force, restore order, maintain peace, and prevent coups.[20]

In addition, military forces can help with the task of aid delivery and take the lead in some developmental projects. However, they are likely to face duration and footprint dilemmas triggering a backlash from the local population and will be perceived as occupying forces. These dilemmas will be explained in the security pillar later in this chapter. Like aid-only and observatory missions, military interventions can only be useful as long as they are used as part of a complex intervention. In this domain, unilateral military interventions are more susceptible than multilateral intervention. UN interventions receive more tolerance than all others due to its universality and neutrality. For that reason, UN missions are generally able to intervene more intrusively and for a

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[19] Roland Paris and Timothy D. Sisk, *The Dilemmas of State-building: Confronting the Contradictions of Postwar Peace Operations* (London: Routledge, 2009) 81.

[20] Collier, *The Bottom Billion*, 124.

longer time period than other missions.[21] A well-planned military intervention is a must during the preparation and support of complex interventions.

Complex international interventions combine all the types noted above in a way that increases their effectiveness while decreasing dilemmas and other shortcomings previously mentioned. However, it is important to remember that complex interventions is not a guaranteed formula of success. Aid can be delivered in a safe condition that is provided by international forces, and local institutions can observe and receive advice for awareness and enhancement.[22] This thesis argues that complex international interventions are more applicable and well-fitting to post-conflict situations as opposed to single approach interventions and are more likely to succeed when granted a strong mandate with binding administrative power over local stake holders.

C.   EVOLUTION OF COMPLEX INTERNATIONAL INTERVENTION: NATION BUILDING VS. POST-CONFLICT RECONSTRUCTION

Complex international interventions can be classified into two groups: nation building and post-conflict reconstruction. Nation building is a broad and long-term solution, while post-conflict reconstruction refers to a mid- or short-term strategy for a quick response. Nation building starts with the creation of a national identity and institution building of a new regime focused on resolving all the root causes of the conflict. Although this process takes too much time for the international community, it is very effective for the long run. Post-conflict reconstruction, on the other hand, focuses on restoring or constructing a state with most of the fundamental functions and then moves to middle-term goals of development. It provides emergency relief including security and humanitarian aid delivery that a failing state is desperately in need of.

Goals of nation building, such as creation of a national identity, long term development, and resolving conflict, are normally beyond the scope of external actors. The people of a country and their leaders must be the ones who achieve these long-term goals; although one would hope for international support.[23] Unfortunately, nation

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[21] Paris and Sisk, *The Dilemmas of State-Building,* 82.

[22] Paris and Sisk, *The Dilemmas of State-Building*, 100.

[23] Orr, *Winning the Peace*: *An American Strategy for Post-Conflict Reconstruction*, 12.

building has some negative connotations because of the etymology itself, as well as historical disappointments of the U.S. There is great potential for misunderstandings such as outsiders building the nation and ignoring the role of local actors. It also becomes too comprehensive to match the short- and mid-term goals to create a minimally capable state and can endanger the peace in return.[24]

The successes in nation building operations in Germany, Japan and Korea from 1945 until 1960 were a direct result of being well established nations that were rebuilt after devastating wars. However, the U.S. failed in Latin America and Vietnam where it tried to establish American-friendly regimes as a strategy while using the military as the primary tool. Therefore, in theoretical discussions, there has been a shift from the term "nation building" to "post-conflict reconstruction," although the two have much in common in terms of what to do with failing states.[25]

The first international intervention began in ancient times when countries began to establish territorial control. In modern times, nation building operations became the term used by the United States during international intervention. As the strongest and most developed country in the world, the U.S. started its nation building efforts in the beginning of 20th century and became the most active nation builder in the world. Its involvement in nation building started with colonialism in the Philippines, and through gunboat diplomacy in the Caribbean and Central America, seeking to establish friendly governments.[26] After World War II, the U.S. shifted from nation building operations to the reconstruction of Europe and Japan. During the 1960s and 1970s, nation building efforts in Vietnam and South Asia were used as a means to prevent the spread of Communism. The second generation of nation building efforts of the U.S. was dominated through international humanitarian interventions to failing states, followed by a third generation that started with the invasion of Afghanistan and Iraq, a mix of humanitarian, democracy building, and counterterrorism operations.[27]

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[24]Hamre and Sullivan, *Toward Post-Conflict Reconstruction*, 90.

[25]Hamre and Sullivan, *Toward Post-Conflict Reconstruction*, 89.

[26]Orr, *Winning the Peace*: *An American Strategy for Post-Conflict Reconstruction*, 4.

[27]Orr, *Winning the Peace*: *An American Strategy for Post-Conflict Reconstruction*, 4.

As for the UN, during the Cold War it dealt with peacekeeping operations to oversee border disputes, supervise elections and uphold ceasefires. After the Cold War, the number of missions increased and duties became more complex, spanning from providing security operations to aid delivery, and taking on civilian duties to institution building.[28]

The term "post-conflict reconstruction" was first used by the World Bank in 1995 and defined as "rebuilding the socioeconomic framework of the society and reconstruction of the enabling conditions for a functioning peacetime society to include the framework for governance and rule of law."[29] John J. Hamre and Gordon R. Sullivan classified its four pillars, which are later followed by Robert C. Orr in his book *Winning the Peace*.[30] Orr defines post-conflict reconstruction as "a donation of efforts by outside actors to help local actors build a minimally capable state in four key areas; security, governance and participation, social and economic wellbeing, and justice and reconciliation."[31] These pillars are well ordered and comprehensive enough to classify Ghani and Lockhart's ten functions or Rotberg's fundamental political goods and therefore will be used as the model of the thesis.

D. PRINCIPLES OF POST-CONFLICT RECONSTRUCTION

Since each case has different causes, processes, and outcomes, there is not a "one fits all" solution to failing states. However, we can establish main principles of post-conflict reconstruction to make the subject clear. These principles are "binding power by the international interveners," good timing, security and aid delivery first, feedback, accountability, local participation, avoiding perception of occupation, and respect to cultures and religions.

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[28]Daniel Silander, "The United Nations and Peace Building: Lessons from the UN Transitional Administrations in East Timor and Kosovo," *Social Alternatives* 28, no. 2 (2009): 23–28.

[29]John J. Hamre and Gordon R. Sullivan, "*Toward Post-Conflict Reconstruction*," *Project MUSE* 2011, 89.

[30]Orr, *Winning the Peace*: *An American Strategy for Post-Conflict Reconstruction*, 10–12.

[31]Orr, *Winning the Peace*: *An American Strategy for Post-Conflict Reconstruction*, 10.

Binding power of the interveners is perhaps the most important factor for international intervention. It means the international interveners must be competent and their advice and recommendations must be mandatory for the local governments. Otherwise the incompetent and corrupt local governments will hamper the intervention. The fact that they are too incompetent to fulfill their tasks is the primary reason the interveners are there mustn't be forgotten. In the harsh conditions of post-conflict environment, monitoring and advising the inept and corrupted officials are not enough to achieve the difficult goals of reconstruction. Most of the advisory UN missions fail due to the unamenable behavior of the local partners. In some cases, the governmental elements hindered international efforts. As an example, and to be discussed later in the Somalia case, some government soldiers halted traffic and collected taxes from vehicles passing by, including aid delivery vehicles. If they refused to pay, the aid trucks were not allowed passage.

Timing of the intervention is equally important: not too early and certainly not too late. An early involvement can cause a hostile response from the armed groups that fail to realize the need for the international intervention. Another drawback for this approach can be the fact that sometimes countries in trouble can develop their own measures or internal dynamics that can help recover itself without international engagement. As was the case in Egypt this year (2011), when international actors started considering an intervention to help the people of this country, the dictatorial president's resignation suddenly stopped the civil disobedience. An intervention that is too late on the other hand may have led to escalation of the conflict.

The international intervention should start with the provision of security and delivery of humanitarian aid. A safe and secure environment is vital for aid delivery and all other steps of reconstruction. Once these two steps are attained, the trust of the local community through the state will increase and the international focus will be able to shift to longer-term development goals.

Feedback and accountability are additional factors that are important to the process. As Easterly underscores, the flow of feedback from the field must be provided

and the people involved should be held accountable for their actions.[32] This is comparable to customers sending feedback when buying or returning products and holding the manufacturer responsible if the product proves to be of low quality. Similarly, there is a need for feedback and accountability in state building operations.

Local participation is another important principle to the post-conflict reconstruction that fosters the willingness to join others in voting and attending community meetings. It identifies a willingness to solve the problems collectively within the community. It is important to capitalize on creating the sense of being "better off" and of optimism among the average citizen. Having more money isn't the only thing that determines being "better off"; having trust in government and the rule of law is just as critical to achieve these feelings. By focusing on these elements or attitudes of the populace, the trade-off makes it more difficult for rebel movements to secure recruits by raising the opportunity cost of defection to join the rebel cause.[33]

Respecting the culture and religion of the area also gives the perception among the population that the outside actors are working in their best interest. To avoid the opposite reaction, unilateral interventions and a large footprint approach should be circumvented. Personnel must be trained in the cultural and religious style of the indigenous groups; impartiality must always be displayed towards cultural discrepancies amongst ethnic or religious rival groups. In Somalia, American soldiers were welcomed as saviors in 1992. However, within one year developments there caused attitudes to reverse and the U.S. was viewed negatively through the exploitation of mistakes and provocation from warlords.

Avoiding unilateral approaches and perception of occupation is paramount: international intervention should not have any other goal than humanitarian concern and global security. These goals are easily appreciated and can engender more trust by the

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[32] Easterly, *The White Man's Burden*, 5–7.

[33] Jennifer A. Widner, "Building Effective Trust in the Aftermath of Severe Conflict," in *When States Fail*, ed. Robert I. Rotberg (Princeton University: Princeton University Press, 2004), 224.

host population, and increases international participation for the operations. A unilateral intervention by a neighboring country will trigger nationalist resentment and exacerbate the harsh situation in the country.

III. BINDING POWER AND THE FOUR PILLARS OF POST-CONFLICT RECONSTRUCTION

This chapter scrutinizes these four pillars and applies the hypothesis to understand how the binding power of international actors over local authorities affects mission success. After explaining the concept theoretically in this chapter, the research continues with case studies in Chapter IV. This process identifies 15 interventions in nine different countries by taking a closer look at the UN interventions in Cambodia, Kosovo, East Timor (twice), Afghanistan (twice), Kashmir, Cyprus, Sudan, Somalia (twice), African Union intervention of Somalia, and the European Union intervention in Kosovo. Analysis of interventions in three countries that involved UNMIK and EULEX in Kosovo, UNOSOM, UNOSOMII, and AMISOM in Somalia and the aid programs in Yemen are detailed and scrutinized, pillar by pillar.

A. FIRST PILLAR: A SAFE AND SECURE ENVIRONMENT

Security is perhaps the most important pillar, with major effects providing an umbrella over all other pillars. It includes protecting the lives of the civilians and the territorial integrity of the country. Therefore, the intervention should first aim to stop the conflict and then commence emergency aid deliveries to the people in need, only then can the goal shift to long-term development and reconstruction. Unfortunately, in post-conflict environments, the security situation is deteriorated with indigenous forces being inept in providing security, and in most cases they become part of the problem rather than the solution. Therefore, it is necessary to provide security by international forces and empower them with binding power to ensure that local security functions within the universal norms and laws.

The international interveners should also be granted power to establish security forces and indoctrinate them with contemporary universal norms. When the local forces are established or reformed by international interveners, they will be capable, responsive to civil political leadership without undermining the rights of its citizens.[34] Thus, they

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[34] Marina Ottaway and Stephan Mair, *States at Risk and Failed States* (Germany: SWP German Institute for International and Security Affairs, [September 2004]), 7–9.

will most likely gain support from the population. Additionally, it creates employment, helps reconciliation and increases local participation. International organizations should have a powerful mandate to simultaneously advise military and civilian members through proper behavior and keep all local actors under control with a carrot and stick approach.[35]

1. Importance of Military Intervention in the Security Pillar

Military intervention is inescapable for many of the post-conflict environments due to the fact that security plays a crucial role throughout all pillars of reconstruction and local forces are generally incapable to provide it. Military intervention can be avoided if the local military respects human life such as the case in Egypt during the Arab Spring in early 2011. International militaries are the best source for security for these states, as long as they are granted binding power over local institutions. If they are equipped with a strong mandate, the four essential tasks of Paul Collier can be fulfilled: to expel an aggressive force, restore order, maintain the peace, and prevent coups.[36] In addition, the international military forces can assist aid delivery functions and take roles in development projects.[37]

Although international militaries have useful roles in reconstruction operations as mentioned above, military intervention must not be the sole option or even the principal part of the reconstruction.[38] According to Hamre and Sullivan, international civilian administrators, private sector affiliates, and NGO members have great advantages compared to the military, because there will be no perception of occupation.[39] Therefore, international military intervention must avoid the appearance of occupation and at the very least demonstrate a symbolic multinational participation. Reducing the footprint in

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[35]Deborah Avant, "Making Peacemakers Out of Spoilers: International Organizations, Private Military Training, and State-Building After War," in *Making War and Building Peace: United Nations Peace Operations*, eds. Michael W. Doyle and Nicolas Sambanis (Princeton, N.J.: Princeton University Press, 2006), 124.

[36] Collier, *The Bottom Billion: Why the Poorest Countries are Failing and What Can Be Done About It*, 124.

[37] Paris and Sisk, *The Dilemmas of State-Building: Confronting the Contradictions of Postwar Peace Operations*, 82.

[38] Hamre and Sullivan, *Project MUSE -Toward Post-Conflict Reconstruction*, 90.

[39] Hamre and Sullivan, *Project MUSE -Toward Post-Conflict Reconstruction*, 91.

conjunction with transferring the duties and responsibilities over to the indigenous forces should be a gradual process as the focus shifts to training and supervising the local forces.

2.   DDR (Demobilization, Disarmament, and Reintegration)

Disarmament is defined by the UN as the collection, documentation, control and disposal of small arms, ammunition, explosives, light and heavy weapons of combatants and often within the civilian population.[40]   Demobilization includes the discharge of former combatants and reinserting them into the community as unarmed citizens with new occupations.   The predominant task of DDR is the disarmament operation that requires binding power of international actors.   This entire program is important for the development of the country, sustainable peace, security, and economic recovery.

B.   SECOND PILLAR: GOVERNMENT AND PARTICAPATION

This pillar includes the creation of a legitimate and effective government and its political and administrative institutions with participation of the local population.   A representative constitutional structure, a strengthened public sector administration, and a healthy civil society should be accomplished.   Both tasks of government and participation require a comprehensive binding power by international interveners.

The binding power is particularly important in means of government because it is a difficult task for a failing state to govern in the post-conflict environment.   Where there is an existing government with acceptable levels of legitimacy, it can be strengthened and modified into a modern functioning government.   Otherwise, a new provisional government should be established through fair elections.   Should the government be restored or established, there is a high probability of it being incompetent and corrupt. An existing government will lack power with little or no inspecting mechanisms due to the failing state situation, while inexperience of a new government will lead to corruption and incompetency.   In both cases, the interveners must have a powerful mandate to supervise the local institutions until they have matured enough to function properly.

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[40] United Nations, "United Nations Policy for Post-Conflict Employment Creation, Income Generation and Reintegration | Relief Web " last modified May 1, 2008. http://reliefweb.int/node/24753.

The binding power is also important in terms of participation. Due to the lack of a democratic culture, local governments will not allow the media to make criticisms or allow people to participate. The international actors should support the civil society and media to ensure the public voice is heard regarding advice for and criticisms of governmental activities.

1.   Civil Society

Civil society is made up of groups, organizations, and associations outside of state control, but can affect the quality of governmental performance.[41] According to Daniel N. Posner, when the pool is filled with positive groups, they improve the lives of the people as well as cooperative behavior in the community. Conversely, if they are filled by mafia, warlords or crime organizations, violence and distrust will be the reign supreme. As a state begins to fail, the favorable aspects of civil society accompanies the downward spiral, while the malicious groups manage to strengthen their positions.

The civil society can substitute some basic services when the weak or toppled governmental institutions are unable to provide them.[42] Therefore, the intervention should focus on building up the civil society to help reconstruction efforts and to increase awareness within the population. This can be done with direct support such as providing funds and material, or indirect support through the enhancement of communication means such as television, radios, newspapers, and telephone networks. Additionally, the civil society should be protected from warlords and gangs and simultaneously ensure that the government and its forces are kept under control to allow the freedom of the civil society to grow and strengthen.[43]

2.   Media

Media can function as a means to increase accountability and transparency of the government as long as the freedom of press is guaranteed. Otherwise, the government

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[41] Daniel N. Posner, "Civil Society and the Reconstruction of Failed States," in *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg (New Jersey: Princeton University Press, 2004), 237–238.

[42] Posner, *Civil Society and the Reconstruction of Failed States*, 240.

[43] Posner, *Civil Society and the Reconstruction of Failed States*, 245.

may intimidate those who speak out or, as Susan Rose-Ackerman maintains, manipulate the media with direct payments to the journalist.[44] It is important that the media remain unbiased and free of government control for the dual benefit of not just informing the public of what the government is doing, but also for informing the government of what the people think about policies. In the missions with a strong mandate, the international interveners can ensure that the government does not suppress the media.

In some cases the media can be under the control of warlords and broadcast their hate propaganda against other groups as well as the intervening forces. There is a need for the interveners to disseminate necessary information to the population and a free local media must be established and supported. The population must be kept informed about peacekeeping operations, aid delivery, mine cleaning, refuge returns, and security operations.[45] Any shortcomings of the local media should be addressed as well; in some countries they may need a new inventory of equipment, while others require awareness programs. Some may even require training; media members under authoritarian regimes may have missed the developments in the media realm including technological innovations, liberal and ethical improvements.

3.   Democratic Institution Building

When states fail, the social and political elements are gradually replaced by militias, criminal gangs, or warlords. In order to reverse this course, interveners should transform these elements back into the state and societal institutions. Terrence Lyons states, "Democracy is the remedy here: elective commissions should be established and supported to run fair elections, build institutions, and solve problems through peaceful methods of negotiations and consensus building."[46] The most significant feature of a

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[44] Susan Rose-Ackerman, "Establishing the Rule of Law" in *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg (Princeton, New Jersey: Princeton University, 2004), 198.

[45] James Dobbins et al., "The Beginner's Guide to Nation-Building, RAND Corporation, http://www.rand.org/pubs/monographs/MG557.html, (accessed October 14, 2011), 203.

[46]Terrence Lyons, "Transforming the Institutions of War," in *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg (New Jersey: Princeton University Press, 2004), 293.

democratic environment is its ability to allow peaceful coexistence of different social groups. This peaceful feature minimizes the risk of transformations of disputes and differences into armed conflict.[47]

The UN describes three main elements of democracy: free and fair elections, freedom of expression, and freedom of association.[48] These elements are interdependent. Although a free election is the core of the three, it requires the supplement of the other two elements. Citizens must be given the liberty to express their ideas and political views, they must be able to organize and participate in political parties with the right to vote and campaign for office. As the European Court of Human Rights stated, political parties are vital for democracy with their exceptional contribution to political discussion. However, freedom of association is not confined to political parties; a wide range of liberty supports a peaceful assembly such as trade unions, worker organizations and the full spectrum of social, economic, and cultural associations. This freedom needs to include a guarantee against obligatory membership and restrictions such as prior permission of the state. Freedom of expression is closely linked to freedom of association; the people who are using their right to assemble, vote, and run for election must be free to speak their minds. Free and open public debates are a necessary precondition for a free and fair election.

These three elements are boiled down to the major components of stabilization and reconstruction operations. The traditional UN peacekeeping missions evolved and transformed into a new method during the 1990s; composition of militarily intervention, facilitate elections, and supervise newly established democratic government. The UN introduced democracy in its new missions with a mandate to establish democratic institutions and promote democratic principles. After the decolonization processes, the electoral support by the UN shifted towards establishing comprehensive executive state building missions. This would ensure the creation of a democratic regime to implement elections and facilitate freedom of assembly and freedom of expression. One such

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[47]Marc Cogen and Eric De Brabandere, "Democratic Governance and Post-Conflict Reconstruction," *Leiden Journal of International Law* 20, no. 3 (2007): 669–670.

[48] Cogen and De Brabandere, *Democratic Governance and Post-Conflict Reconstruction,* 669–677.

comprehensive mission was the United Nations Transitional Authority in Cambodia (UNTAC) that rendered the right to run elections, or establish local institutions to run elections, and issued binding directives over all governmental institutions with the right to suspend or abolish existing laws according to the Paris Agreement on February 16, 1991. The Cambodia example of promoting democracy in peacekeeping operations was followed by East Timor, Kosovo, Afghanistan and the Iraq interventions.

Cambodia's unique example achieved unprecedented success, largely due to its strong mandate and binding power. The international community managed to establish a favorable environment in which the elections were able to proceed, the individuals and political groups enjoyed the freedom of speech and participation in political organizations.

C.   THIRD PILLAR: ECONOMIC AND SOCIAL WELLBEING OF THE POPULATION

1.   Aid Delivery

The third pillar supports the functions of the economy and the wellbeing of the population. The beginning of this pillar is normally started with emergency relief and often operated in conjunction with the security pillar in the first phases of the intervention. In some cases, however, these operations may start before any security apparatus is in place. International NGOs and UN aid workers bear great risk to deliver humanitarian supplies such as food, medicine, shelter, blanket, clothes, and basic medical treatment where little security exists. If the conditions are chaotic and dire, international police forces will be required to provide security and support for aid delivery activities. This process is a must in order to allow the fruition of the humanitarian aid, which in turn allows for the situation to improve in the country.

As the situation moves past the initial phase of emergency relief, the mission becomes more focused on the restoration of basic services such as education and health. Infusions to jump-start the markets and rehabilitate the economy with funds and a comprehensive development program will also be required during this phase. In order to see this aspect from another point a view, the economy requires a jolt to revitalize and spur confidence in the country much like a patient requiring electro shock treatment to

revive their pulse. Fostering growth, improving infrastructure and reducing poverty is the primary objective of these development programs. The international actors must have the capacity to control these activities with direct supervision over the local institutions when they carry out these duties. Otherwise, the aid, material and funds are jeopardized through misuse or even stolen as official contracts can be given in a corrupt, discriminatory and nepotistic manner.

2.   Stabilization of the Economy

As seen in most post-conflict environments, economic conditions will perish, commerce will die away, the labor force will lose its skill base, agricultural areas will be destroyed, factories will be closed, and crimes against property will increase. Furthermore, the government will be incompetent, officials will be corrupt, and the people will be poor. Corruption hampers economic growth, disproportionately burdens the poor, undermines the rule of law, and reduces the credibility of the government. Therefore, it is essential to minimize corruption to recover the economy rapidly.[49] To stabilize these terrible economic conditions, according to Dobbins et al., "the intervention must foster and create conditions that are favorable for individuals to safely and profitably carry out their shopping, selling, transportation, and banking."[50]

In short order, priority should be given to the recovery of the economy. Unfortunately, the interveners sometimes push the country at a pace that rapidly increases the gap between their revenues and the budget. When the economy grows and the signs become clear that stability and growth are now sitting with a solid foothold, the next step is to address the policy of collecting taxes in order to generate revenue that will assist in sustaining the government and social programs.

The international efforts may have inadvertent consequences that can undermine the local economy. During deployments to Kosovo, Iraq and Afghanistan, a common theme occurred of hiring local and higher educated workers as interpreters or manual laborers at a much higher rate than what the local economy provided. This created a

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[49] Dobbins et al., *The Beginner's Guide to Nation-Building, RAND,* 161.

[50] Dobbins et al., *The Beginner's Guide to Nation-Building, RAND*, 163.

brain drain of human capital normally required to assist in the actual recovery of the failing state. Likewise, providing free aid material may harm the local producers who sell the same materials.

3.   Employment Creation

In order to achieve a functioning economy, employment creation programs should be launched. Young males that are unemployed pose a danger to the safe and secure environment; therefore, they should be kept engaged with skilled training or daily jobs. Small businesses must be supported and facilitated; however aid must be balanced to prevent a distortion of the businesses that are supplying the market.[51] These programs should also produce opportunities for the local entrepreneurs to generate their own job creating activities. Additionally, the governmental pay system is crucial for a healthy job market that must be supported through financial aid until the economy recovers. This creates a system that allows the government to hire personnel who provide services to the citizens, and in return increases the potential for tax collection.

4.   Agriculture

Since most failing states are agricultural communities, agricultural assistance programs are very important to post-conflict reconstruction. It is not just producing fruits and vegetables, but it has a great impact on other sectors of the economy.

Agricultural programs should start with supplying the needs of the populace and then continue with systems that protect the market and sponsor countryside employment.[52]   For long-term goals, scientific research of increasing agricultural efficiency and village-based seed enterprises enables the community to produce its own seeds and other goods for the market.

The poorest elements of the population, in particular landless villagers, must be

[51] United Nations, "United Nations Policy for Post-Conflict Employment Creation, Income Generation and Reintegration | Relief Web " last modified May 1, 2008. http://reliefweb.int/node/24753.

[52] "Research for Development, Post-Conflict Agricultural Rehabilitation: Linking Social Protection, Livelihood Promotion, and Humanitarianism," http://www.dfid.gov.uk/r4d/SearchResearchDatabase.asp .

integrated into the national programs of development through capacity building activities.[53] Success will be higher as it includes most of the people in need, which in turn will create a longer lasting popular support.

5. Infrastructure

The infrastructure during the majority of post-conflict environments are almost always destroyed or ruined. Roads, bridges, public buildings, ports, electric, water, and sewage systems are normally in need of being immediately rebuilt or repaired.[54] These tasks should be undertaken by international interveners or supervised and audited over the local institutions once the controls begin to transfer. This gives little room for corruption as contracts are closely monitored and supervised.

Electricity and water have extreme importance for the impoverished people of the war-torn countries. Although these networks require coinage to establish and operate, once functional they will generate revenue for the government to maintain these services.

D. FOURTH PILLAR: JUSTICE AND RECONCILIATION

For the pillar of justice and reconciliation, it is imperative to establish legitimate, impartial and accountable judicial, correctional and law enforcement systems. The international actors must have a strong binding power to train and supervise the local court and law enforcement systems to prevent corruption.

The vital areas to justice include rule of law, the criminal process, property rights, contracts, transparency and accountability, and regulations for private businesses. The task of reconciliation, on the other hand, involves grievances and past abuses from the conflict. This will have an enormous effect on the population due to a common sentiment of hatred, lack of trust, and a vote of no confidence among the post-conflict populations. Reconciling the issues between ex-combatants, perpetrators and their victims, and prosecuting previous crimes are essential.

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[53] David C. Korten, "Community Organization and Rural Development: A Learning Process Approach," *Public Administration Review* 40, no. 5 (Sep.–Oct., 1980), 480–511.

[54] Dobbins et al., *The Beginner's Guide to Nation-Building, RAND,* 238.

1. Rule of Law

Rule of law requires equality, fairness, openness, and legal accountability of public officials bound through the social contract between the ruler and the ruled.[55] In post-conflict countries law and order is generally broken down and replaced by rule of the strong. The laws should be compatible with universal norms, promulgated clearly, and binding for everybody including the rulers. According to Rose-Ackerman, some of these tasks may be difficult or even undesired of a fledging government in a failing state and therefore international supervision is essential.

2. Courts and Correction Systems

A free, impartial and independent court system must be established with trained personnel in judicial values that are universal. Both judges and prosecutors must be controlled like their international peers who are granted an appropriate salary to stave off corruption and given the appropriate power to fight corruption. This aspect is also important within corrections officers, court clerks, and the police force.

3. Police Force

The primary roles of the police forces are to enforce the law, protect the vulnerable, and fight crime and corruption. But in post-conflict environments these forces are generally corrupt due to low salaries and lack of awareness. The international interveners must be equipped with administrative power to increase legitimacy of the police through inspections, training programs, in-service control mechanisms, community policing methods and increased salaries. A decent police force can uphold law and order as well as guarantee individual rights and freedoms.

4. Truth and Reconciliation Commissions

Although there are not a lot of examples, truth commissions may also be adopted by the indigenous population and with oversight from interveners . The perpetrators of the old crimes were confronted by the victims, and in some cases the perpetrators were

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[55] The grouping of the elements of justice and reconciliation pillar and most of its components were excerpted from Rose-Ackerman, *Establishing the Rule of Law*, 183–186, and 197.

not punished if they confessed their crimes and apologized to their victims. These commissions can build communal peace and reunite the fragmented parts of the community.

5.   Economic Law

Once the rule of law is established, the economic laws should be legislated in order to stimulate commerce. These laws should also include open and fair proceedings to governmental contracts. Then they will reduce corruption and enhance the virtuous cycle of the economy which in turn allows tax collection to pay for other services as well as increasing popular support.

IV. HOW BINDING POWER LEADS TO MISSION SUCCESS IN COMPLEX INTERNATIONAL INTERVENTIONS

A. THEORETICAL EXPLANATIONS

Virginia Page Fortna argues that strong peace agreements after inter-state conflicts have an effect that leads to longer peace terms.[56] Likewise, strong UN Security Council Resolutions relating to intra-state conflicts increase the durability of peace in failing states. We define a strong resolution as one with binding executive power to international professionals over the local officials and institutions. In these missions, interveners can supervise local authorities, provide mandatory advice on how to fulfill tasks, conduct audits and hold them accountable for complying with international norms. A weak mandate, on the other hand, only allows the mission to be conducted with a "hands-off" approach through observation and reports that merely get filed. This cultivates an attitude from the local government of not being required to follow the instructions of international interveners. Since most of the governments of the failing states are weak and corrupt, binding power should be granted to the outside actors during complex missions. There is a theoretical logic under this approach as well as some empirical data for support.

Theoretically, if the UN sets up a mission in a failing state with a strong mandate, all parties involved must accept this unconditionally because international assistance will be their only way forward. Once signed, the tendency to obey the agreement becomes accepted with the knowledge that the assistance will stop. As long as the international actors are granted binding power, aid delivery will be fair, effective, and expedient due to their competency and professionalism. With binding power, the ability to fill gaps in the services will be possible to include the reduction of corruption, the incompetency of local government officials and the likelihood of disenfranchised parties resorting to violence.

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[56] Virginia P. Fortna, *Peace Time: Cease-Fire Agreements and the Durability of Peace* (Princeton University Press, 2004) 151–172.

B. EMPIRICAL DATA: MISSIONS WITH AND WITHOUT BINDING POWER

Empirical data supports this thesis on the binding power theory. Successful international missions created from UN resolutions with a strong binding power include UNMIK, EULEX, KFOR in Kosovo, and UNTAC in Cambodia, United Nations Transitional Administration in East Timor (UNTAET), and UNOSOM and UNITAF in Somalia. It can be seen that missions without binding power were mostly failures and the combating parties resorted to armed conflict several times such as UNOSOM II in Somalia, UNMIS in Sudan, and UNFICYP in Cyprus. Table 2 shows the relationship between the binding power and mission success in complex international interventions.

Region	Operation	Year	Binding Power	Mission Success
Cambodia	UNTAC	1992–1993	Yes	Yes
Kosovo	UNMIK, KFOR	1999- 2008	Yes	Yes
Kosovo	EULEX	2008–2011	Yes	Yes
East Timor	UNTAET	1999–2002	Yes	Yes
Somalia	UNOSOM, UNITAF	1991–1993	Yes	Yes
Somalia	UNOSOM II	1993–1995	Yes/No*	No
Sudan	UNMIS	2005–2011	No	No
Afghanistan	UNAMA	2010–2011	No	Yes
Cyprus	UNFICYP	1964–2011	No	No
*UNOSOM II started with a strong mandate but a year later its binding power was repealed.				

Table 2.   Relationship between binding power and mission success in international interventions.

1. UNMIK and EULEX in Kosovo

A clear example to a successful mission with binding power is UNMIK. UNSC Resolution 1244 articles 9, 10, and 11 fortified the mission with the power to deter renewed hostilities, enforce a ceasefire, ensure public safety, establish and oversee provisional governmental institutions and local police forces, and hold the elections.[57] Through this power, it was also possible to successfully resettle refugees and internally

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[57] *UNSC Resolution 1244*, 10/27/2011 sess., http://www.unmikonline.org/Pages/1244.aspx, (1999) .

displaced persons (IDPs).   Likewise, the accomplishments of EULEX transpired through institution building of law enforcement forces and judiciary bodies in Kosovo. It also had a strong mandate that allowed the EULEX police forces to raid the residences of several high government officials, including a minister accused and later prosecuted for taking bribes which ultimately led to their resignation, setting a precedent that no one was above the law.

2.   UNTAC in Cambodia

UNTAC was established by Security Council resolution 745 (1992) and granted the right to organize and conduct free and fair elections. In addition to this mandate, the restructuring of the military occurred with new laws protecting human rights and the resettlement of refugees and IDPs and the repair of the Cambodian infrastructure. UNTAC successfully restored the security and order, established a new government, promulgated a new constitution, and successfully implemented other pillars of reconstruction.[58]

3.   UNTAET and UNMISET in East Timor

The United Nations Transitional Administration in East Timor (UNTAET) was granted a string mandate by UN resolution 1272 in 1999 by exercising administrative authority over the country during the transition to independence.   Once order was established with a functioning legitimate government; the United Nations Mission of Support in East Timor (UNMISET) followed with a mandate to provide assistance to the new government until it managed to rule the country self-sufficiently.[59]

4.   UNOSOM and UNITAF in Somalia

Another successful example of UN intervention was the mission of UNOSOM. It was authorized by UNSC resolution 751 in November 1992 with an expansion to its mandate of resolution 794.   The mission was equipped with the statute to use "all

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[58] United Nations, "United Nations Transitional Authority In Cambodia (UNTAC), Mandate," last modified October 27, 2011, http://www.un.org/en/peacekeeping/missions/past/untacmandate.html.

[59] United Nations, "UNMIT Background - United Nations Integrated Mission in Timor-Leste," last modified October 27, 2011, http://www.un.org/en/peacekeeping/missions/unmit/background.shtml.

necessary means" in order to establish a secure environment for the relief effort and form The Unified Task Force (UNITAF). This task force was charged with the protection of aid delivery and reestablishment of order and peace. This mission successfully accomplished a safe and secure environment for rapid aid delivery by using its binding power as well as effectively negotiating with the political factions for an interim administration and a period to lay down arms.[60] However, success would be short-lived in this scenario due to the replacement with UNOSOM II.

5.   UNOSOM II in Somalia

UNOSOM II initially began with a strong mandate and in many ways like the first UNOSOM mission. However, due to mistakes such as a rivalry between the international actors and the ambitions of Major General William Garrison, and uncoordinated attacks, it failed to maintain the success of its predecessor. The mission was authorized for the use of force to ensure a stable environment for humanitarian assistance and provide assistance to the reconstruction efforts.[61] However, the UN and U.S. experts lost focus from the mandate and embarked upon a man hunting mission to capture or kill the most powerful warlord in Somalia, Muhammad Farah Aidid. Aidid's militia killed 24 Pakistani peacekeepers of UNOSOM II. As clashes escalated and increased between UNOSOM peacekeepers and Somali militiamen in Mogadishu, so did the casualties among the civilians. In October 1993, U.S. Rangers launched an uncoordinated attack on militias that resulted in the death of more than 1,000 Somalia civilians, 1,000 militias and 20 coalition forces (19 from the U.S. and one from Malaysia).

Protests from home led to a U.S. withdrawal from Somalia and Security Council resolution 897 amended the mission mandate excluding the use of binding power. The new mandate only authorized advisory tasks and ultimately the entire mission was withdrawn without achieving any tangible success.[62] Reflecting back on this mission, if a

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[60] *UNITED NATIONS OPERATION IN SOMALIA I (UNOSOM I) - Background (Summary)*, last modified October 27, 2011, http://www.un.org/en/peacekeeping/missions/past/unsom1backgr1.html.

[61] UNITED NATIONS OPERATION IN SOMALIA II (UNOSOM II) - Background (Summary), last modified 27 October 2011, http://www.un.org/en/peacekeeping /missions/past/unosom2backgr1.html.

[62] United Nations, "UNITED NATIONS OPERATION IN SOMALIA II (UNOSOM II) - Mandate," last modified October 27, 2011, http://www.un.org/en/peacekeeping/missions/past/unosom2mandate.html.

strong mandate continued to authorize binding power and not allow the mistake of working independently, success would have been the result.

6.   UNMIS in Sudan

As the list of failures continues, United Nations Mission in Sudan (UNMIS) stands out with a weak mandate that also failed to have binding authority over the local actors.   In January 2005, UN resolution 1590 supported the implementation of the Comprehensive Peace Agreement through monitoring, investigating, and assisting with other tasks that included demining efforts.   However, the duties and responsibilities were not binding and the following programs were held on a voluntary and participatory basis only. These programs included the establishment of a DDR package, public information campaign, reconciliation and peace building efforts, restructuring the police service, and promoting the rule of law.[63]   UNMIS functioned with no real authority over the local parties to enforce recommendations, to hold local institutions accountable for human rights violations and the expenses lost from humanitarian aid. This weak approach led to the failure of the mission and the recurrence of the conflict between the government and SPLA (Sudanese People Liberation Army) several times over.

7.   UNFICYP in Cyprus

As the downward slope continues, the United Nations Peacekeeping Force in Cyprus (UNFICYP) demonstrates another failed example due to the lack of binding power. Established in 1964, the UN Security Council passed resolution 186 that also had a weak mandate, only requiring monitoring and advising duties. The purpose of the mandate was to prevent additional clashes between the Greek and Turkish groups, supervise ceasefire lines in the buffer zone, and undertake humanitarian activities. It failed to prevent the skirmishes and therefore, in 1974, additional tasks were

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[63]UNSC Resolution 1590, last modified October 27, 2011, http://www.un.org/ga/search /view_ doc.asp?symbol=S/RES/1590(2005).

implemented to the resolution.[64]   Unfortunately, the mission failed due to ethnic cleansing of the Turkish minority that resulted in an invasion of the island by Turkish Armed Forces.

8.   UNAMA in Afghanistan

Another mission with a weak mandate is the United Nations Assistance Mission in Afghanistan (UNAMA). Established in 2010 by UN Security Council Resolution 1917 at the request of the Afghanistan Government, UNAMA is mandated to monitor and coordinate the efforts to improve security, governance, economic development, and regional cooperation.[65] Since the government was established by international efforts through fair elections, it demonstrates being compatible with international standards and a willingness to follow advice provided by international actors and therefore has the potential of success.

9.   International Assistance Programs in Yemen

With all the turmoil surrounding Yemen, one may wonder if that regime is the next to fall during the movement of the Arab Spring. There are numerous challenges within the country that range from extreme corruption, weak state institutions, depleting resources such as oil and water, uncontrolled terrorism, human rights violations and a leader that refuses to relinquish power.

However, there has been no decision by the UN Security Council or NATO to get involved with the deteriorating situation in this country. Many are expecting the Gulf Cooperation Council (GCC) or perhaps the Arab League to take a more assertive role that would possibly reverse the situation. Several attempts to negotiate an exit strategy by the GCC have been disregarded by President Ali Abdullah Saleh, including a clause that provided immunity.

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[64] United Nations SC Resolution 186, last modified October 27, 2011, http://www.un.org/en /peacekeeping/missions/unficyp/.

[65] United Nations, "UNAMA Mandate," last modified October 27, 2011, http://unama.unmissions.org /Default.aspx?tabid=1742.

As for U.S.-Yemen relationships, during the 1990s they were strained after President Saleh supported Iraq's decision to invade Kuwait. Financial aid became almost non-existent during that time and countries like Saudi Arabia and Kuwait expunged the Yemen workers in their country that further strained the Yemen economy. However, since the wars in Iraq and Afghanistan have focused on terrorism and al-Qaeda, President Saleh has attempted to be more cooperative with the west in its war on terror. In recent years, the Defense Department has used Section 1206 (a security assistance program) to train and equip Yemen. This fund has become the major source of U.S. military aid to counter-terrorism counter-insurgency (COIN) operations.

The west continues to push the neighbors of Yemen to be more active; however, many of the Gulf countries lack the human expertise or even the desire to begin aid projects in Yemen. Jeremy Sharp states that the preferred route is to donate cash to Yemen or outsource development work to Western aid agencies.[66] Furthermore, there is not one single aid office in Sana'a to represent any states from the GCC. Despite the Yemeni willingness to receive on-the-ground Arab support, there has been little headway with only a handful of Saudi and Egyptian experts to provide economic advice.[67]

The society of Yemen is fractured and the lack of skilled workers is detrimental to the overall economy, continuing to cripple the country.[68] Saudi Arabia and others have launched a number of training programs in recent years, including the financing of technical-training institutes. However, external aid in both financial and political arenas is required to improve Yemen's ability to provide security, economic reform and governance. Until the situation improves, donors will continue to be hesitant with the expectation of the aid being squandered.

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[66] Jeremy M. Sharp, *Yemen: Background and U.S. Relations* (Washington D.C.: Congressional Research Service, 2011), 41.

[67] Sharp, *Yemen: Background and U.S. Relations* pp. 41 as cited from "Gulf States: GCC lacks policy coordination for Yemen," Oxford Analytica, March 24, 2010.

[68] Thomas Juneau, "Yemen: Prospects for State Failure - Implications and Remedies," *Middle East Policy Council*, http://www.mepc.org/journal/middle-east-policy-archives/yemen-prospects-state-failure.

C.   **CASE STUDIES**

    1.   **Kosovo**

        a.   ***Introduction***

This case study highlights the international intervention in Kosovo as a legitimate success for the post-Cold War era of international interventions into failing states. The international intervention managed to stop bloodshed, rapidly restored law and order, delivered humanitarian aid to the people in need, and ran elections to establish a new administration. The key ingredient for success was the binding power of the international interveners over local government. This case study will analyze how the binding power of the international interveners increased success through the four pillars of post-conflict reconstruction.

To put this case in perspective, it will be necessary to go back several decades during the disintegration of the former Federal Republic of Yugoslavia between 1991 and 1999. At the onset of the conflict, Kosovo was a province of the Serbian dominated former Yugoslavia Federation, with Albanians holding 80% of the majority within the province.[69] A conflict between the rebels of Muslim Albanians and Yugoslavian security forces of Serbian origin escalated into a civil war. A RAND report illustrates that Yugoslav counterinsurgency (COIN) forces waged an ethnic cleansing campaign against Albanian Kosovars during the initial phase of the insurgency. By the end of the war approximately 848,100 refugees, almost 40% of the total population, fled the country.[70]

The healing process worked through the provision of numerous areas, but primarily with a focus on humanitarian aid combined with development goals and eventually transferring the responsibilities to the new local government. The mission started with a military operation and the delivery of aid and continued with other

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[69]James M. Trachier, "Mixed Signals: The Impact of International Administration on Kosovo's Independence" (master's thesis, Naval Postgraduate School, 2010), http://edocs.nps.edu/npspubs/scholarly /theses/2010/Dec /10Dec_Trachier.pdf.

[70] Christopher Paul, Clarke, Colin P. and Grill Beth, *Victory Has a Thousand Fathers: Sources of Success in Counterinsurgency*, RAND Corporation, MG-964-OSD, 2010. http://www.rand.org/pubs /monographs/2010/RAND_MG964.1.pdf, 285.

medium- and long-term reconstruction projects. Within the economy, numerous problems remain; however, much has been done in all four pillars of the post-conflict reconstruction.

The United Nations Mission in Kosovo (UNMIK) governed the country, established a legitimate parallel provisional government and supervised it while gradually passing over the responsibilities to rule the province. On February 17, 2008, the provisional assembly of Kosovo declared its independence and was recognized by seventy-five states. Currently, the government of Kosovo is functioning while simultaneously receiving international assistance. The situation is gradually improving and the nation is currently enjoying peace in an effort to place the atrocities of the civil war behind them.

b. *Historical and Cultural Issues: Prolonged Hatred*

Kosovo has been very important to both Albanians and Serbs alike. Albanians believe that they are descendants of Illyrians, the original residents of Kosovo. However, the Serbs reject this idea on the grounds that Albanians were brought in by the Turks during the Ottoman invasion.

The Serbs endured much suffering because of their choice to keep their religion; however, the Albanians converted to Islam, which brought them more wealth during Ottoman rule. As the Ottoman Empire began to decline, Serbs revolted in 1817 and by 1867, eventually establishing their independence. During the Balkan War in 1912–1913, younger Albanians fought with the Ottomans against the Serbs, and in turn the Serbian inhabitants burned Albanian villages and killed many Albanians and Turks in their wake.[71]

Yugoslavia applied an oppressive policy on Albanians and ran a settlement program that confiscated the land of Albanians and granted them to Serbian settlers who were brought into the area from Serbia and forced Albanians to immigrate to Turkey. The situation changed after the death of Tito in the early 1980s with a reverse

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[71] Miranda Vickers, *Between Serb and Albanian: A History of Kosovo* (New York: Columbia University Press, 1998), 76–77.

migration: Serbians from Kosovo and Albanians back into Kosovo. Demanding autonomy, Albanian riots began in 1981; Serbians were beaten and their homes burned and looted. The response was severe; the regime sent in 30,000 troops armed with tanks that killed more than a 1,000 Albanians.[72]

c.   *International Intervention*

As the conflict intensified, the UN imposed diplomatic sanctions, including economic and arms embargo, on Yugoslavia in an effort to work a peaceful negotiation.[73] At the end of May 1998, NATO promulgated the "Declaration on Kosovo" and flew 85 aircrafts sorties over Albania and Macedonia in "Operation Determined Falcon." On January 29, 1999, the contact group gave an ultimatum to Serbs and Albanians to attend peace negotiations in Rambouillet, France. The international community expected to find a solution within the territorial unity of Yugoslavia that included an immediate ceasefire, discontinuation of human right abuses, establishment of substantial autonomy of Kosovo under Yugoslavia, and a solution to administrative issues under international supervision.[74] When negotiations in Paris failed for a second time in March 1999, the order was given to launch "Operation Allied Force" with air attacks on strategic Serbian targets.[75] Milosevic surrendered on June 10, 1999 and announced that he would accept NATO'S conditions as well as UN Resolution 1244.[76]

In line with the resolution, NATO established KFOR and Russia deployed troops to assist NATO and began providing security. The UN established UNMIK and began to rule the province with a superior authority in means of administrative, legislative, and judiciary actions. Elections were held in 2000 and 2001 at the local and national level respectively, with UNMIK establishing legitimate institutions at all levels

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[72] Vickers, *Between Serb and Albanian: A History of Kosovo*, 103–104, 115–116.

[73] Schnabel, Albert and Ramesh Thakur, ed., *Kosovo and the Challenge of Humanitarian Intervention* (Tokyo, Japan: The United nations University Press, 2000), 28.

[74] Fiorina C. Matei, *NATO and Conflict Resolution*, last modified August 6, 2011, http://edocs.nps.edu /npspubs/scholarly/theses/2001/Mar/01Mar_Matei.pdf, 43.

[75] Christopher Paul, Clarke, Colin P. and Grill Beth, *RAND_MG964.1,* 286.

[75] Matei, *NATO and Conflict Resolution,* 44.

[76] Christopher Paul, Clarke, Colin P. and Grill Beth, *RAND_MG964.1*, 287.

and began a transfer of tasks to local authorities. However, UNMIK continued to retain their power and leading positions at all levels of administration.[77] The elections were seen as free and fair and security was also well provided by CIVPOL and KFOR.[78] The interim government managed to execute the next local elections in 2002 and national elections in 2004. In both instances, the transfer of power was done peacefully.

On March 17, 2004, after five years under UN rule, severe Albanian demonstrations started in Kosovo. Albanians rioted when Serbian hooligans chased three Albanians into the Ibor River and they drowned. The riots lasted more than 48 hours and international security forces were not successful enough to quell the revolts, despite local police, CIVPOL, and KFOR all working together.[79] With increased pressure from the international community and criticism in the media, Special Envoy of Secretary General Martti Ahtisaari suggested an internationally-supervised independence for Kosovo. Ahtisaari's proposal was supported by the U.S. and EU, but harshly opposed by Serbia and Russia. On February 18, 2008, the assembly of Kosovo's Provisional Institutions of Self Government declared its independence.

d. Analysis: Through the Four Pillars

The most significant feature of the Kosovo operation was its resoluteness from the beginning; the UN and NATO warned Serbia, imposed sanctions, bombarded, dismissed Serbian militias and security forces, and ran the country with full binding power. Conflicts stopped, a safe and secure environment was obtained, refugees and IDPs were resettled, international aid was delivered, new functioning institutions were constructed, infrastructure was restored, development projects were launched, and participation of local people was enabled. This part of the chapter analyzes the

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[77]Lulzim, Peci, Ilir Dugolli, and Leon Malazogu, *Negotiating Kosovo's Final Status*, last modified March 2006, http://www.cerisciencespo.com/archive/mars06/artpdm.pdf, 2.

[78]Marc Cogen and Eric De Brabandere, "Democratic Governance and Post-Conflict Reconstruction," *Leiden Journal of International Law* 20, no. 3 (2007), 679.

[79]Trachier, *Mixed Signals: The Impact of International Administration on Kosovo's Independence*, 2.

international intervention in Kosovo in light of Orr's four pillars of stabilization and reconstruction.[80]

(1) 1st Pillar: Safe and Secure Environment. Security was initially provided by NATO's KFOR that was later accompanied by UNMIK's civilian police forces (CIVPOL) which performed law enforcement tasks until it was replaced by the European Union's rule of law mission EULEX in 2008. KFOR soldiers and UN police (CIVPOL) guided the Kosovo Police Service (KPS) to reduce serious crime rates. KFOR, CIVPOL, and EULEX were all equipped with a binding administrative power over local police and executive power over the population and other institutions. As Wittmann maintains, international forces were successful in protecting minorities: "… had there been no international intervention, there would have been much more atrocities. Not to mention, there would be no neutral security forces to stop ethnic cleansing, because they would have been part of it."[81]

In 2009, the Kosovo Protection Forces were dissolved and Kosovo Security Forces (KSF) was founded as a civilian controlled military force and UNMIK civilian police handed over its tasks to Kosovo Police Service (KPS). Since then, the European Rule of Law Mission (EULEX) has supported and trained local officials to develop an EU standard professional police and judiciary.[82] The Kosovo Police Service has managed to provide security during five elections and continues to strive for European standards of security and law enforcement tasks.[83] The overall security situation has been calm as of May 2011, with increased participation of Serbs and other minorities within Kosovo institutions.[84]

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[80] Orr, *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, 11.

[81] Klaus Wittmann, "KFOR and UNMIK," *NATO's Nations and Partners for Peace*, no. 1 (2000), 15.

[82] U.S. State Department, *Background Notes: Kosovo* (United States, Lanham: Federal Information & News Dispatch, 2011), 4.

[83] *United Nations: Secretary-General in Security Council Statement Says United Nations aim Stable; Political, Security Situation in Kosovo, Protection of Population, Minorities* (United Kingdom, Coventry: Normans Media Ltd, 2008), 2.

[84] Rosemary DiCarlo, "Remarks by Ambassador Rosemary DiCarlo, U.S. Deputy Permanent Representative to the United Nations, at a Security Council Debate on Kosovo and UNMIK," *Targeted News Service* May 12, 2011.

UNMIK ran a successful DDR program and managed to reintegrate ex-combatants into social life. Members of KLA were successfully demobilized, reintegrated into society and recruited into the newly founded Kosovo Protection Corps (KPC).[85] The KPC later became the Kosovo Security Forces (KSF) responsible to civilian administration.

(2)   2nd Pillar: Governance and Participation. This pillar was the most successful pillar of international intervention in Kosovo. UNMIK and KFOR had enough of a degree of legal authority, economic power, and manpower to take necessary actions effectively. Using these instruments, they restored order, provided necessary services for the population, established a new government, and gradually transferred authority to this democratically elected government. Under UN supervision, Kosovo has progressed through the years and developed a multi-party democratic system that reached the "European proximity process."[86]

At the outset, UNMIK simultaneously performed its peacekeeping tasks and ruled Kosovo like a government. The head of UNMIK, the SRSG was the head of the government retaining the highest degree of legislative, judiciary and administrative power. UNMIK established a local interim government called Joint Interim Administrative Structures (JIAS) in 1999 (also called Provisional Institutions of Self-Governance, PISG). The Joint Advisory Council on Legislative Matters (JAC) was founded as a consultative branch to review and comment on drafts of regulations. The council was comprised of twenty local and seven international legal advisers.[87]

JIAS was designed to function under the authority of SRSG, until it would gain enough degree of experience at national and municipal levels. The participation of the minorities was also accomplished with the exception of some Serbs in Mitrovica.

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[85] Wittmann, *KFOR and UNMIK*, 14.

[86] *United Nations: Secretary-General in Security Council Statement Says United Nations aim Stable; Political, Security Situation in Kosovo, Protection of Population, Minorities*, 2.

[87] Global Governance, "Crossing the Boundary from the International to the Domestic Legal Realm: UNMIK Lawmaking and Property Rights in Kosovo," *Global Governance* 10, no. 3 (2004): 312.

UNMIK ran elections in 2000 and 2001 at the local and national level respectively and handed over some parts of the administration to JIAS. Although there were some logistical matters and a boycott by ethnic Serbs, the elections were seen as free and fair by the international media. CIVPOL and KFOR were successful at providing security with no major incidents during the elections.

The 2001 government was led by the LDK (Democratic League of Kosovo) and was comprised of two leading parties: PDK (Democratic Party of Kosovo) and AAK (Alliance for the Future of Kosovo). Serbs and other minority groups were included by granting a ministry for each in the government. The minorities were also granted the right to hold 20 seats in the 120-seat assembly. Local institutions such as the Kosovo Police Service (KPS) and the Kosovo Protection Corps (KPC) embraced minorities; 10% of the KPS is comprised of Kosovo Serbs, and the proportional of minorities in senior levels reaches 20%, significantly more than their share of the population.[88] JIAS was capable enough to facilitate the subsequent two elections: local elections in 2002 and national elections in 2004. During both instances, the transfer of power was done peacefully.

Standards before the status policy of the UN created an uncertainty for the future of the province. While Albanians pressed for independence, the Serbs in the North established parallel government institutions to undermine the local government as well as development projects. Serchuk exemplifies this phenomenon:

> Serbia effectively controlled the four municipalities in the northwestern corner of Kosovo, north of the Ibor River, which bisects Mitrovica. In the northern half of the city, Serbian police and government structures operated. Traveling on a public bus from Mitrovica to Belgrade, one encounters no border or passport controls.[89]

Belgrade persistently maintained its strategy on preventing Kosovar Serbs from participating in Kosovo's institutions, because it could mean recognizing the

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[88]Wittmann, *KFOR and UNMIK*, 14.

[89]Vance Serchuk, "The Future of Kosovo," *American Enterprise Institute for Public Policy Research, last modified September 30, 2005, http://www.aei.org/files/2005/09/30/20050930_19039EuOSept _Oct_g.pdf.*

independence of Kosovo. Some elite Kosovar Serbs wanted to participate in the elections of 2004, but they were prevented from doing so by Belgrade.

When Kosovo declared its independence, the Serb minority was still under the influence of Belgrade and parallel organizations, particularly in the northern municipalities. Ethnic Serbs in the region constituted 40% of the overall Serb population in Kosovo. However, the situation got better by the end of 2009; their safety, security and freedom of movement were increased and their relations with Albanian neighbors were also recovered. They participated in local elections for a stake in their municipalities through the decentralization process of Kosovo. The participation in elections was higher than the participation in the elections ran by Serbian government in May 2008 for parallel structures [90] The Kosovo municipalities began increasing their legitimacy gradually, and got better by the increased participation of Serb minority with the awareness that the parallel structures could not give what legal Kosovo administration gave: development. In February 2010, with the help of EULEX, the government adopted a strategic program on the integration of north Kosovo.

Corruption has always been a problem in Kosovo; however, after 2008 it became increasingly apparent. This led to a decrease of public support behind the government. As Ilir maintains, the ad hoc companies established by senior governmental officers, their relatives or contacts spread rapidly throughout the country and began to win the governmental tenders. This also led to a drastic decrease in foreign investments. Displeasure was prominent among the civil society, media and NGOs. To silence criticisms the government adopted a repressive policy over the media and constrained the freedom of speech.[91] To solve these problems EULEX started its fight on corruption. On April 28, 2010 EULEX police raided the house and office of the Kosovar minister of transportation, post, and telecommunications and EULEX announced that it would continue its operations on more ministries and institutions.

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[90]Ilir Deda, "The View from Kosovo: Challenges to Peace-Building and State-Building, *"Connections: The Quarterly Journal* 9, no. 3 (2010), 89.

[91] Deda, *The View from Kosovo: Challenges to Peace-Building and State-Building*, 92.

(3)   3rd Pillar: Social and Economic Wellbeing. Within the first days of the intervention, UNMIK started reconstruction activities by restoring water, electricity, and heating networks, while KFOR military engineers repaired the railway network and repaired 200 km of roads. The UN provided basic services to the population and launched a reconstruction program to repair destroyed houses and infrastructure. Likewise, numerous reconstruction projects were carried out by NGOs. The intervention also led to high-salary job opportunities for the young unemployed people, albeit temporarily.

Despite continuous efforts of the international actors, the economy has been the weakest link in the chain. First Standards before Status Policy had some unwanted outcomes over the war-torn economy. International capital investors hesitated to sink money into Kosovo due to some concerns about the future of their investment. On the other hand, lacking the status of a state, Kosovo's administration had some difficulties in finding loans in the international market, which they desperately needed to reconstruct their war-torn infrastructure. Instead, the international community elected to provide aid to Kosovo, resulting in an economy that was dependent on outside assistance.

Widespread corruption in governmental institutions led to a drastic decrease in local and international investments in the economy. Displeasure remained high among the civil society, media and NGOs. Historically there had always been complaints about corruption, but after 2008 it became even more apparent. As mentioned in the second pillar, the operations of EULEX raised hope for abolishing corruption.

Nevertheless, the accomplishments in these areas cannot be degraded for a war-torn area. The numbers below provide some insight about the economics and social situation in Kosovo.[92] In 2005, half of the 2 million Kosovars were poor with 15% living in extreme poverty.[93] Some other statistics are as follows:

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[92] Excerpted from U.S. State Department, *Background Notes: Kosovo.*

[93] Silander, *The United Nations and Peace Building: Lessons from the UN Transitional Administrations in East Timor and Kosovo*, 27.

- Health (2003 est.):

  - Infant mortality rate: 23.7/1,000.

  - Life expectancy: 75 Years.

- Education rates (2007 est.):

  - 91.9% (men 96.6%, women 87.5%).

  - School enrollment rates of children 7–15 ages (2003 est.): 96%.

- GDP (IMF 2010 Estimate):

  - $5.4 Million.

  - per capita $2.750.

  - GDP Growth Rate: 3.5%.

  - Investment: 35% of GDP.

- Unemployment: 45% of labor force is unemployed.

- 30% of the citizens live below the poverty line.

- 13% live in extreme poverty.[94]

(4)   4th Pillar: Justice and Reconciliation. Following UNTAC, UNMIK provided a second example of an international mission to hold a comprehensive power not only in executive administration issues, but also full legislative power. The local court and justice system was reconstructed and consolidated by UNMIK in the initial phases of the mission. Their buildings were reconstructed, personnel trained, and assistance provided by CIVPOL and KPC. After 2008, EULEX provided additional support to the local justice system with over fifty judges and prosecutors. Currently, Kosovo has a functioning and reliable justice system.

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[94] For more information see U.S. State Department, *Background Notes : Kosovo*, 1–2.

In the initial phase of the intervention, more than half of the houses were destroyed, tens of thousands of people were homeless, and the returnees could not move into their houses because they were occupied by others.[95] The allegations on ownership of property was a complicated issue because the Serbian government had previously confiscated most of the houses from Albanian owners and handed them to Serbs, and most of these Serbs left the country for Serbia selling those properties to Albanians. These transactions were illegal according to previous law enacted by the Serbian government in the early 1990s that prohibited the sale of property to Albanians. Some of the deeds were also lost during the conflict. Making the situation even more dire, the justice and court system of the region were mostly underdeveloped and had broken down, and was therefore too incompetent to solve these problems.

The UN initially facilitated the return of hundreds of thousands of refugees and internally displaced persons (IDPs) back to Kosovo and coordinated a massive reconstruction program to repair damaged and destroyed housing and infrastructure. In November 1999, UNMIK established the House and Property Directorate and Claims Commission (HPD/CC) to solve the problem on four basic principles: to give the right to the returnees to move into their former legally owned houses, to give the houses to the owner who lost them due to the discriminatory law, to grant legality to the sales of property to Albanians by Serbs, and to maintain validity of possessions of property if owned legitimately according to law at the time of acquisition.[96] Until the first decision of the HPD/CC in January 2001, the multi-ethnic judicial system, which was established by UNMIK, was also available to help and coordinate with HPD/CC. Several workshops were also organized by UNMIK, OSCE, and HPD/CC itself to increase public awareness on the matter. To implement the cadaster reform and property registration system, UNMIK established the Kosovo Cadastral Agency (KCA) in June 2001.

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[95] Global Governance, *Crossing the Boundary from the International to the Domestic Legal Realm: UNMIK Lawmaking and Property Rights in Kosovo*, 307.

[96] Global Governance, *Crossing the Boundary from the International to the Domestic Legal Realm: UNMIK Lawmaking and Property Rights in Kosovo*, 314

2.   Somalia

a.   *Introduction*

In contrast with the successful intervention in Kosovo, Somalia resulted in absolute failure, despite the first UN mission UNOSOM and UNITAF achieved rapid success at the onset. International officials failed to maintain this successful mission, establish a new government, and gain popular support from local population. The intervention first started as humanitarian aid by NGOs, and UN institutions and international troops were sent when the deteriorated security situation hindered aid delivery. International officials decided to disarm warlords and eventually shifted their focus to an ambitious man-hunting mission. They thought that Muhammad Aidid, one of the most powerful warlords, was the main hindrance over the stabilization of the country and they tried to capture and kill him. The cost of the conflict was too high: almost sixty peacekeepers were killed, one hundred injured, hundreds of militia and approximately one-thousand civilians were killed. The U.S. and UN withdrew from Somalia leaving the people to their own fate. Since then, security and aid delivery, the two most important tasks of the initial phase, could not be achieved, and therefore the other pillars of reconstruction could not be completed.

This case study analyzes the international interventions in Somalia since 1992 which include the following: United Nations Operation in Somalia (UNOSOM); U.S.-led UN (Mission UNOSOM II, IGAD's International Governmental Association for Development) efforts to establish a government in 2000 and 2004, and African Union Mission in Somalia (AMISOM). It examines the programs and policies of these operations, evaluates their impacts, and puts forth some policy recommendations for future cases. Because the international community left the country in 1995without solving the problems, and the problems had not been resolved until present day, the Somalia case will be viewed as an example of failure. It starts with background information about the Somalia history and culture, continues with the collapse of the government, the anarchic environment, international intervention, and the current situation. Finally, it analyzes how a lack of binding power of international interveners affected the success of the four pillars of post-conflict reconstruction.

b. Historical Cultural Issues: Tribal Culture and Gun Culture

The main cause of the conflict in this country was clannish, not territorial.[97] Since the Middle Ages, tribalism made people conflict-prone, divided society into rival and hostile groups, and caused xenophobia. Built upon tribal structures with the boundaries drawn by blood lineages, the tribal culture was controversial. What is worse, during the colonization years, the British and Italian colonizers drew artificial boundaries between tribes that first led to confusion and later to enmity, thus resulting in a confrontation amongst the clans.[98]

Somalia is comprised of two main clans: Sab and Samale. The Sab clan includes two clan-families who live in the agricultural areas of the south: Digil and Rahanweyn. The Samale clan is made up of four clan families: Darod, Hawiye, Isaq, and Dir, and mostly inhabit the North. The Sab clans are mostly sedentary farmers and the Samales are mostly nomadic pastorals. Although not all these clans are located in distinct territorial areas, almost all of them have their exclusive homelands. Though the majority of the Samale clan occupies the North, they are also present in the South. Likewise, the Sab clans predominantly occupy the South, but are found in the North as well. Some of the Darod and Hawiye families of Samale clan live in the South. Among those is General Aideed's Hawiye clan,[99] dominating the regions in and around the capital of Mogadishu.

The clans are divided into sub-clans and compensation paying groups. If a person happens to be killed or injured, a compensation called "diya" must be paid to his family and diya-paying group by the offender and/or his diya-paying group. A diya-paying group can be made up of a few hundred or up to a thousand members. Traditionally, security of an individual depends on his membership in his diya-paying group, and therefore loyalty of a Somali starts with his loyalty to this group, and

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[97] Francis E. Emathe, "*Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*," 5–15.

[98] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 17.

[99] The most predominant clan in and around Mogadishu is the Hawiye clan-family of the Samale. General Muhammad Farah Aideed, who was one of the strongest warlords, was from this clan. He played a significant role in toppling the government and later inflicted huge atrocities on U.S. and UN peacekeepers during the early phases of international intervention.

continues with loyalty to his clan and clan-family. In addition, some families are able to act as a political unit and at the same time as a diya paying group. Ultimately, as the physical and political backgrounds are insecure and unstable, the clan network looks indispensable for an individual in Somali.

Firearms were first introduced into Somalia by imports and trafficking from Arab countries and during the Cold War from Soviet states. The culture was badly affected and inter-clan conflicts increased both in number and in severity. The value attributed to a gun has escalated, such that guns have even been presented as dowry. If someone has been killed, the first question asked by his clan members is if his gun was lost or not. Likewise, the gun that fired t the fatal shot is required from the perpetrator as diya, and if it is not submitted could cause a war between the tribes.

(1)   Democracy and Independence.   In 1960 the Republic of Somalia declared independence with unification of Italian UN trustee territory of Somalia and British protectorate of Somaliland.[100]   The biggest pro-independence group, Somalia Youth League (SYL), established their democratic and nationalist government. The first democratically elected president, Aden Abdullah Osman Daar, and his new government believed that the tribal culture was a hindrance to the development of the country and took on a national solidarity program to annihilate tribal ethos. However, due to prevalent corruption and different understandings between populations of former Italian and British colonial territories, the new democracy couldn't achieve its goals and eventually turned into a one party regime. During the two-year term of the latest government (1967 through 1969), the country suffered from poor administration, lack of services, insecurity, corruption, and violence. The President was killed and a coup d'état deposed the government on October 21, 1969. The new regime was a military dictatorship led by General Siad Barre who ran the country cruelly until he was removed from power by tribal warlords' in1991.

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[100] The historical background information from independence until the collapse of the government in 1991and including some international operations, is mainly gathered from Thomas Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts* United States Government Accountability Office, 2008), 6–9.

The Barre regime centralized all political power and set out utopic objectives like reclaiming lost territories and compiling all Somalis in Kenya, Djibouti, and Ethiopia under the flag of great Somalia. In 1977 Somalia troops invaded Ethiopia to regain their beloved Ogaden region,[101] but the government started to weaken after being defeated by Ethiopia, and as the Soviet Union disintegrated, the aid was cut at once.[102] The bankrupt government weakened and gradually lost administrative control. This failure triggered chaos; conflicts started among the ethnic and social factions. In a very short time the government became incapable of providing security, basic services and law enforcement.

During the fall of the government, two major resistance organizations had taken up arms in Somalia against the regime: the Somali National Movement (SNM) of the Issaq clan-family, and the Somali Patriotic Movement (SPM) of the Darod Family (mostly Ogaden clan of Barre's mother's family).[103] Later they were accompanied by the United Somali Congress (USC) of a most important warlord, Muhammad Farah Aideed. SNM and the USC started attacks on government forces. USC forces proceeded through the capital, Mogadishu. The weak government promised to take on reforms and offered negotiations in Egypt, but ultimately couldn't stop the rebels who wanted Siad Barre to leave rule and the country in May 1992.

(2)   Escalation of the Conflict. In January 1991, Muhammad Aideed and his rebels defeated the government forces. His faction, United Somalia Congress (USC), played an enormous role in overthrowing Barre regime and therefore claimed the right to rule the country. Other fighting factions SNM (Somalia National Movement) of the Issaq clan-family and SPM (Somalia Patriotic Movement) of the Dir clan-family did not conform to the leadership of Aideed. Thus, these three major factions started fighting each other for the power to rule the country.[104]   Farming areas were

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101 Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 12.

102 James K. Bishop, "Escape from Mogadishu," 27.

103 Adam B. Siegel, "*Eastern Exit: The Noncombatant Evacuation Operation (NEO) from Mogadishu, Somalia*," *CRM 91–211,* October 1991, 7–9.

104 Garry J. Ohls, *Somali from the Sea* (Newport, Rhode Island: Naval War College Press, 2009), 41.

devastated and livestock production was halted, ultimately resulting in famine,[105] lootings, murders, rapes, hindered aid distribution, and led to massive starvation throughout the country.[106]

Later, an internal fight started within the Hawiye clan. During the fall of the Barre regime, while Aideed and other insurgents were pursuing the remnants of the regime, Ali Mahdi was declared President of Somalia by politicians in Mogadishu and the Hawiye dominated diaspora. Although Mahdi was a businessman from the Hawiye clan-family, Aideed severely rejected his presidency. The USC was split into two groups: SNA (Somalia National Alliance) led by Aideed and SSA (Somalia Salvation Alliance) led by Mahdi.

The tribal fights later took the shape of warlordism. The warlords initially sought the interests of their clans and later sought personal, political and economic gains. They increased their power but diminished the infrastructure by hoarding the fortunes for themselves. They also frustrated the efforts of the UN and other international actors to provide humanitarian aid and to stabilize the country. After 2006 warlords began losing power against Islamic movements, particularly the Union of Islamic Courts (UIC).

c. *International Intervention*

International intervention started with humanitarian aid in 1990. When the conflicts halted aid delivery, the United States launched a military intervention in 1992 to help the people suffering from poverty, malnutrition, rapes and other crimes.[107] U.S. forces were later joined by UN peacekeepers, which together made up UNOSOM. They had enough manpower and a strong mandate which helped them reach rapid success. However, they were replaced with UNOSOM II and the operation executed by Task

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[105] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 14.

[106] Bauman, Robert F., and Lawrence A. Yates with Versale F. Washington, *My Clan Against the World: U.S. and Coalition Forces in Somalia 1992–1994* (Fort Leavenworth, Kansas: Combat Studies Institute, 2004), 17.

[107] Ohls, *Somalia from the Sea*, 57–58.

Force Ranger in October 1993 resulted in failure caused by undesirable confrontations of peacekeepers with the armed groups, resulting in casualties from both sides as well as innocent civilians.

After the failure, the U.S. left the country in March 1994, followed by the UN in March 1995. Other international actors, like NGOs and regional organizations, tried to maintain international aid. The Intergovernmental Authority on Development (IGAD), a regional East African organization, managed to establish Transitional National Government (TNG) in 2000 with a three-year mandate. After the failure of the TNG in three years, the Transitional Federal Government (TFG) was established with a five-year mandate. The TFG was antagonized by insurgents. In 2006 Ethiopia invaded Somalia in support of the TFG, and the African union (AU) established its mission in Somalia (AMISOM). The U.S. and UN backed these efforts with funds but could not change the tragic situation in the country.

Local warlords and clan leaders refused to yield to a nationwide administration and rejected the attempts of the international community to establish a legitimate government. Interested in their ambitious personal and grassroots level interests, they continued fighting each other as well as the new government.[108] By 2006, Fundamental Islamism entered the scene and defeated most of the warlords in south-central Somalia. The UIC rapidly increased its power with support from the population. The UIC managed to provide some services, rule of law, and security to an extent, but assumed a hostile approach against international actors and the TFG established by internationals. Likewise, the international community had numerous doubts about the UIC's fundamentalist Islamist agenda. In 2011, the TFG was still unable to function properly and continued to suffer antagonism both from Islamists and tribal warlords, while the masses continued suffering from statelessness, starvation, insecurity, and natural disasters.

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108 Eloy E. Cuevas and Madeleine Wells, "Somalia: Line in the Sand--Identification of MYM Vulnerabilities " The U.S. Army War College, http://www.strategicstudiesinstitute.army.mil/pubs /display.cfm?pubid=1019, 3.

(1) The Initial UN Intervention, UNOSOM. Under Chapter 7 of the UN charter, which issued militarily interventions and the use of force for international peace on April 24, 1992, the UN Security Council declared Resolution 751 to establish its mission UNOSOM (United Nations Operation in Somalia) to provide security for aid delivery to the starving people. The resolution required 50 unarmed ceasefire observers and 500 peacekeepers.[109] Somalis happily welcomed UN forces as saviors from starvation, violence and disease, but warlords saw the UN as an impediment to their competition for control over the country.[110] In Operation Provide Relief, U.S. troops achieved rapid success in providing security for aid delivery while USAID provided 145,000 tons of food.[111] U.S. military cooperated with international NGOs and the International Red Cross. Although their standpoint as military officers and NGO members differed from each other, the sensible plan of the commander of the Operation Provide Relief, General Libutti, allowed them to work in unison. He made his officers adapt to the conditions of the NGOs and assisted with their aid delivery activities.[112] Aid stuff was loaded and unloaded by NGOs on military aircrafts operated by unarmed military personnel to food storages and temporary kitchens. NGOs ran these kitchens and hired some local workers, paying them food and money. They mostly delivered the aid stuff dropping from air to avoid the banditry on the roads and a potential armed conflict with factions. General Libutti also established a good relationship with the local powerful people of Somalia including governmental officers and even some warlords. All these good relationships with the actors involved significantly increased the success of the mission and kept the air workers safe.

As required by UN Resolution 794, Operation Restore Hope began on December 7, 1992 with 29,000 U.S. troops while the rest of the coalition sent 10,000

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[109]*Security Council Resolution,* Public Law 751, April 24, 1992.

[110]Thomas K. Adams, *U.S. Special Operation Forces in Action: The Challenge of Unconventional Warfare* (Oxon, UK: Frank Cass Publishers, 2001), 258–259.

[111]Bauman, Robert F., and Lawrence A. Yates. with Versale F. Washington, *My Clan Against the World: U.S. and Coalition Forces in Somalia 1992–1994*, 17.

[112]Ohls, *Somalia from the Sea*, 57–58.

to constitute the United Task Force (UNITAF).[113] There was a significant difference between the understandings of UN officials of UNOSOM and U.S. officials of UNITAF. UN officials were defining the problem and the mission more broadly. They wanted to make sure that the mission would succeed and prevent future repetition of the same problems in the country insisting on more aggressive disarmament of Somalis warlords.[114] The UNITAF forces on the other hand favored a softer approach: voluntarily disarmament of the warlords. Eventually the U.S. and coalition forces complied with UNOSOM demands and started an aggressive disarmament plan. They started to search areas and buildings of the warlords including Aideed for arms and heavy weapons.[115] However, UNITAF successfully maintained its core operations of providing security, assisting aid delivery, and imposing a ceasefire. Another area UNITAF wisely handled was information operations with 150 personnel for communicating the coalition perspective throughout the nation, a radio and one daily newspaper broadcasting in the local language. However, UNITAF was replaced with UNOSOM II in May 1993.

(2)   The Follow-On U.S.-led UN Force, UNOSOM II. The UN follow-on mission of UNOSOM II was the culmination of international efforts under the UN umbrella with a bigger mandate: to restore order, disarm the warlords, provide peace, repair the economy, and reconcile the conflicting parties. Total numbers of the personnel reached 30,000, with 6,000 U.S. personnel for logistic assistance and a small, quick reaction force.[116] Despite the big mandate it had weaker operational capabilities than UNITAF.[117] Not enough attention was paid to informational operations; the number of staff working in this area was merely six people.

The activities of UNOSOM II threatened the strongest warlord, Muhammad Farah Aideed. UNOSOM II held a series of meetings in Addis Ababa, acknowledging power of the warlords but also limiting it through the formation of district

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[113]Tucker, David and Lamb, Christopher J., *United States Special Operations Forces* (New York: Columbia University Press, 2007), 170–171.

[114] Ibid., 171–173.

[115] Ibid., 174.

[116] Ibid., 175.

[117] Ibid., 176.

councils. Moreover, at these meetings Aideed's rival, Ali Mahdi, polled more votes than Aideed. In response, Aideed mounted a hostile public relations campaign against UNOSOM through a radio station under his control. But the UN was equipped to counter his campaign, because its 6-man information unit failed to communicate its case to the Somali people.[118] To present a show of force and establish authority, the UN decided to inspect all the arms depots of the warlords. It conducted the first inspection in Mogadishu in five arms depots belonging to Aideed and the site of Aideed's radio station. Aideed's militias suddenly provoked the crowd against UN forces, saying that fellow Muslim Pakistani soldiers were being used against Somalis. While the crowd attacked Pakistani peacekeepers, armed militias infiltrated the crowd and killed 24 Pakistanis and wounded 57 others.

After this incident the U.S. and the UN decided to capture Aided, removing him from Somalia's political life. They declared him an outlaw and put a $25,000 bounty on him. Later, UN officials started to refer to him as a terrorist, closing the means of negotiations with Aideed, although he was not totally closed for talks. The quick reaction force of the U.S. attacked with helicopters and killed thirty senior leaders of the Aideed faction SNA. Aideed shifted to hit and run tactics, killing four Italian peacekeepers in an ambush and four American soldiers with a command detonated landmine. This led to the decision of sending U.S. Special Operations Task Force Rangers to Somalia, which Aideed welcomed with mortar attacks injuring soldiers. A U.S. helicopter was also shot down killing three soldiers.

On October 3, 1993, the Rangers launched a massive helicopter attack on Aideed's places in Bakara Market Area and Mogadishu. 1,000 militia were killed, 1,500 wounded, and 21 captured while 20 coalition forces were killed (19 from the U.S. and one from Malaysia), and 73 Americans and two Pakistanis were wounded. One American soldier was also captured. The collateral damage was enormous: allegedly more than 1,000 civilians were killed. This event entailed the American decision to withdraw from Somalia. Aideed resumed his mortar attacks in the three days until the UN

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118 Ibid., 179.

called for ceasefire. The U.S. withdrew from Somalia by March 1994, followed by the UN in March 1995. Since the withdrawals, the situation has greatly deteriorated.

After leaving the country, the UN decided to run its Somalia related operations from Nairobi, Kenya due to insecure working environments in Somalia. The UN Political Office for Somalia (UNPOS) was established on April 15, 1995.[119] Failing to physically exist in Somalia, UNPOS has been far from achieving its goals. It has been content with supporting the efforts by East African nation to promote peace and national reconciliation in Somalia.[120] It supported efforts by Djibouti on the establishment of a Temporary National Government (TNG) and IGAD's (Inter-Governmental Association for Development in East Africa) efforts to establish Transitional Federal Government (TFG) in 2004. It continues to support TFG from Nairobi today.

(3)　International Efforts to Establish a Government. Since 1991, the international community ran 15 reconciliation conferences to end the conflicts and reestablish a government.[121] Although some accomplishments were acquired, none of these reconciliation efforts succeeded. In May 2000 at a reconciliation conference in Djibouti, the Transitional National Government (TNG) was founded. The President of Somalia, Abdiquassim Salad Hassan, and his new cabinet were not successful in establishing institutions throughout the country, but only in some parts of Mogadishu. Their authority was not widely accepted throughout the nation. A severe opposition started immediately and continuedto mount, making the TNG unable to rule effectively.[122] It couldn't provide services and suffered from corrupt bureaucrats. "TNG's 3-year mandate was expired with a bankruptcy in December 2003."[123]

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[119] UN Political Office in Somalia, "History of UNPOS," last modified Septemeber 10, 2011, http://unpos.unmissions.org /Default.aspx?tabid=1914.

[120] Ibid.

[121] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 5.

[122] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 2.

[123] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 8.

Intergovernmental Authority on Development (IGAD), a regional east African organization launched another national reconciliation conference in Kenya in 2002. In 2004 the conference managed to form the Transitional Federal Government (TFG): Abdullah Yusuf Ahmad was elected as president and Ali Mohammed Gedi as prime minister with 5 years mandate. The duties were; to lead the political transition of the country, draft a new constitution, run a referendum for the approval of the constitution, and lead elections in 2009 to establish a permanent government and a parliament.[124]

Until 2005, the government was located in Kenya due to security concerns when it made the move into Somalia. They did not relocate to Mogadishu; first they moved to Jowhar, and later to Baidoa. Through the course of time, the tribal-based conflict shifted to warlordism, producing strong guerrilla leaders. When the international community tried to establish a national level government, these warlords defied them because they did not want to yield to the government. At this phase Islam entered to the scene; Islamic militias who were previously defeated by clan-based militias adopted a strategy to develop a grassroots movement, increased their power in time and reentered the political life. For a long time they integrated themselves into the local communities, businesses, schools, courts, and other key sectors, avoiding direct involvement in political struggle, until they grew strong enough. These Islamic groups merged together and established the Union of Islamic Courts (UIC) in 2006. The increase in power of the UIC threatened the warlords, prompting them to merge together, thus founding the Alliance against Terrorism and Restoration of Peace (AATRP).[125] They attacked the UIC but were severely defeated and driven out of Mogadishu.[126] Winning the war against warlords, the UIC spread throughout south-central Somalia and wiped out the rest of the warlords. It challenged the TFG by transforming the order into a sharia law, according to an interpretation of Islam akin to Taliban.

The U.S. and the Western countries became concerned with the growing relationships between al Qaida and the UIC. Therefore, as Cuevas and Wells

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124 Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 2.

125 Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 27.

126 Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 27.

express, "the U.S. turned a blind eye to invasion Somalia by Ethiopia in 2006."[127] The Ethiopian invasion aimed to bolster the secular minded TFG[128] and launch some peace enforcement-like maneuvers.[129] The extremists who wanted to establish a fundamental Islamic government managed to make use of the Ethiopian invasion for their own propaganda. In 2007 most of the country was taken under control by Shabab (MYM),[130] the armed wing of the UIC. Struggling with its own problems, the TFG was unable to counter the challenges of the UIC.

(4)　　AMISOM (African Union Mission in Somalia) and Current Situation.　In March 2007, the African Union authorized the AMISOM (African Union Mission in Somalia) to stabilize the country and support the transitional government against insurgencies. The mission failed to achieve its goals and dreadful living conditions continued in Somalia. The armed insurgencies against the TFG and Ethiopian forces continued. The situation worsened with the effects of drought and floods in 2007, and according to UN officials the number of people in need of humanitarian aid reached 2 million.[131]

When Ethiopia withdrew in January 2009, Shabab took advantage of the power vacuum. By February 2009, the group controlled almost all of southern Somalia.[132] The U.S. declared Shabab a terrorist organization and bombed targets in Mogadishu, resulting in severe collateral damage. As with the Ethiopian invasion,

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[127] Eloy E. Cuevas and Madeleine Wells, *Somalia: Line in the Sand—Identification of MYM Vulnerabilities,* 4.

[128] "International: Continuing to Fail; Somalia," *The Economist,* Jul 05, 2008.

[129] Eloy E. Cuevas and Madeleine Wells, *Somalia: Line in the Sand—Identification of MYM Vulnerabilities,* 4.

[130] Shabab means youth in Arabic and the full name of the organization is "Harakat al-Shabab al-Mujahedeen in Arabic and translated as "Movement of Youth of Mujahedeen," and therefore the acronym goes by (MYM). For more info see Cuevas Eloy E. and Wells, Madeleine, *Somalia: Line in the Sand-- Identification of MYM Vulnerabilities,* p. 30.

[131] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 1.

[132] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*.

American bombings did not result in stability; on the contrary, they strengthened the violence-prone Somalis and weakened the moderates.[133]

According to a report in *The Economist*, the situation was dreadful in Somalia:

> The 3.2 million people out of 8 million Somalis were in need of aid just in order to survive. A sixth of the infants are at risk of starving to death. The security situation was intolerable and therefore the aid workers left the country. Piracy remained unsolved and even worsened offshore.[134]

In 2011, during the days that this chapter was written in, the bad effects of the drought were coupled with conflict and the situation further deteriorated in Somalia. Tens of thousands of people fled the country for refugee camps in neighboring countries. Some of the refugees died on the way, many were in such bad shape that their health could not be restored.[135] The UNPOS, IGAD and the U.S. diplomatic mission continued to function in Nairobi, Kenya.

d.   Analysis: Through the Four Pillars

(1)   1st Pillar: Safe and Secure Environment. Lack of security has always been the most significant problem in Somalia affecting all pillars of post-conflict reconstruction. Provision of aid delivery, reconstruction, and supervision were hindered by crimes and other security threats. It is alleged by some aid officials that only 20% of the aid reached to the people in need.[136] Lack of security hindered a permanent international presence in Somalia; international assistance was managed from Nairobi through numerous working groups. Most of the duties were carried out by national staff (Somalis), often without actual supervision of international managers.[137] The

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[133] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*.

[134] "International: Hunger and Terror; Somalia," *The Economist,* Sep 06, 2008.

[135] "SOMALIA: In Somalia, UN Official Urges Massive Response for World's Worst Humanitarian Disaster" *MENA Report* (Jul 12, 2011).

[136] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 21.

[137] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 24.

international aid delivery was frequently interrupted and eventually halted because aid workers who remained in Somalia suffered attacks, abductions and arbitrary detention. Density of aid delivery activities increased in more secure areas. Although humanitarian needs were greater in south central Somalia, the international community has less access to south central Somalia than the relatively safer northern part of the country. This is significant in showing how security is necessary for the success of the other pillars.

During the first phase, UNOSOM managed to provide a safe and secure environment for humanitarian workers to deliver aid;[138] however, during UNOSOM II the security pillar turned out to be a failure. Although both operations started with enough manpower and authority, the latter lost focus on its duties, was deprived of its binding power by the UNSC, and was finally withdrawn. As the situation worsened it created a safe haven for terrorist organizations. AMISOM, on the other hand, suffered from a lack of manpower as well as funds. For example, 2,400 troops of AMISOM proved too little to provide security in Somalia.[139] The Ugandan troops faced dire challenges in Mogadishu and reduced their efforts to protect just the airport, the seaport and the presidential compound. A calculation pointed out that at least 20,000 troops would be needed in order to restore peace in Somalia.[140] This number is even small relative to the number of troops of UNITAF—25,000 excluding civilians.

The DDR program started at the beginning of 1993 but later failed. The UN couldn't manage to adopt a strategy to implement it, either enforcing or convincing warlords. The UN's arms embargo imposed in January 23, 1992 by UNSCR 733 still has bad effects on the security and DDR in Somalia. While illicit actors could always breach the embargo making the country awash with arms,[141] legal actors were restricted within their activities such as training indigenous troops and police forces,

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[138] Edward J. Perkins, "Current Status of U.S. Policy on Bosnia, Somalia, and UN Reform,"*U.S. Department of State Dispatch* 4, no. 14 (Apr 05, 1993), 4.

[139] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 10.

[140] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 10.

[141] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 8.

which require arms and armed training to overcome insurgencies. But the UN hasn't lifted the embargo, although it was called for several times by the AU and IGAD.[142]

After decades of civil war, a generation of young Somalis became uneducated and had only one job opportunity: to work for the militias. The businessmen earlier paid taxes to warlords for their protection, but later decided to hire their own militias. In recent times even sharia courts have started to establish their own militias and sell security services to businessmen. According to Emathe, the average salary of an armed man was as low as a dollar or two a day in 2003.[143] This low compensation led to another problem—young people started to leave the insurgency, becoming unemployed but still armed. The result was an increase in offenses against property, and kidnapping for ransom in particular.

The situation worsened through 2010 as Shabab increased its power. It also managed to disseminate its ideology among the population using media and the Internet successfully.[144] Shabab later declared allegiance to al-Qaeda in February 2010, and claimed responsibility for the bombing of a restaurant in Kampala, Uganda, killing 75 people. The bombing was intended to send a message to countries that have sent troops to support Somalia's transitional government.[145] It managed to gain support of the population by providing some services such as security, law and order, and some social services.[146] Subsequently, the security situation deteriorated to such an intolerable extent that the aid workers left the country.

Another negative effect of a lack of security was piracy off the shore of Somalia. In 2007, 15 kidnapping events occurred off the shore of Somalia, three of which belonged to WFP (chartered by WFP to carry the humanitarian aid stuff), and pirates captured ten vessels including three large tankers with 130 crewmen captured in

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[142] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 41.

[143] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 51.

[144] Eloy E. Cuevas and Madeleine Wells, *Somalia: Line in the Sand--Identification of MYM Vulnerabilities,* 2.

[145] "Somalia: History, Geography, Government, and Culture," last modified September 12, 2011, http://www.infoplease.com/ipa/A0107979.html?pageno=3.

[146] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 48.

September 2008.[147] The aid organizations faced the problem of finding vessels willing to transport aid materials despite the fear of pirates.

(2) 2nd Pillar: Government and Participation. The international community established two transitional governments: the TNG in 2000 and the TFG in 2004. In February 2006, the TFG managed to assemble a transitional parliament in Baidoa. The UN and the U.S. implemented several programs to increase the capacity and the credibility of the TFG. The UNDP funded construction of government buildings in Baidoa, provided technical assistance, facilitated the import of economic experts and legal advisers from diaspora, and supported the administration reform.[148] However, the lack of binding power over the government coupled with institutional weakness caused more problems and not many ways to solve them. The TFG soldiers once violated a UN base and arrested the senior officer of the WFP; another time the government closed the air strips, compelling aid transportation to travel rough and insecure roads. Every so often TFG soldiers stopped the aid convoys and wanted to collect taxes. In 2007, the TFG imposed restrictions on aid delivery and restricted UN agencies to the use of governmental buildings and airports.[149] Had there been a binding power by internationals over the TFG, all these problems could have been solved easily, much as it happened in Kosovo.

For both the TNG and TFG, a form of power sharing was arranged according to a plan called "4.5 formula" in which the four chief clans were given equal representation in the government and assembly; a half portion was reserved for all other smaller groups to accrue in cooperation.[150] However, a mistake by the international community occurred when they deployed a president from Darod clan-family, which has ruled the country since the independence. The first Prime Minister Shermaarke, who later

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[147] *International: Hunger and Terror; Somalia.*

[148] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 16.

[149] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government,* 28.

[150] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 8.

became the second president, was from Darod as well as Barre.[151] All these governments settled Darods into key positions and favored citizens of Darod origin in their activities. When the international community installed TFG with a Darod president, Abdullahi Yusuf, Aideed and other Hawiye warlords vehemently rejected this idea, believing that Darods had ruled the country long enough.

Islamism also severely challenged the TFG. From 2006 on, the UIC increased its strength and began challenging the government. Before the Ethiopian invasion began, the TFG had control over a little part of south central Somalia, Mogadishu, and surrounding areas, and the rest of south Somalia was under control of the UIC. Ironically, some of the public services the government was unable to deliver were provided by the UIC for six months. It was also confirmed by some UN and NGO members that, "During UIC rule of 6 months before pushed back by Ethiopians, there was a relative secure environment and the aid workers had healthier access to project sites."[152]

The weakness of the TFG was not only its incompetency of providing security or geographic limits; it also suffered from a lack of popular support. Another weakness was institutional dysfunction due to the lack of staff. Some of the ministries were made up of only a minister with no staff or office building. In some meetings with international actors, TFG representatives were not able to participate because there was no staff and only an acting minister.[153] The members of the TFG started to struggle against each other, and some took the line of prime minister, some of president, and some of the spokesman of the national assembly. Prime Minister Ali Muhammad Ghedi, for example, resigned in October 2007 after a protracted feud with President Yusuf.[154] In December 2008, President Yusuf dismissed Prime Minister Nur Hassan Hussein, although he gained a 143–20 confidence vote from parliament.

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[151] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 20–21.

[152] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government,* 9.

[153] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 16.

[154]*Somalia: History, Geography, Government, and Culture—Infoplease.Com.*

President Yusuf resigned later in the power struggle. Parliament selected a modest cleric, Sheikh Sharif Ahmed, as president of Somalia in January 2009, and he appointed a diplomat, Omar Abdirashid Ali Shermaarke, as prime minister.   Although there was great hope from the president and prime minister, they were at odds with each other and Shermaarke resigned in November 2010.[155]

The country's territories were first divided by de facto domains of warlords and were later divided into geographic pieces. In May 1991, the northwestern part of the country, Somaliland, declared its independence and called itself as "Republic of Somaliland." Later in 1998 in the Northeast, Puntland declared its autonomy with willingness and the hope of forming an autonomous province of a peaceful Somalia in the future. Again in 1998, the autonomous south region of Jubaland (also called Azania) declared its independence, allegedly with the help of Kenya, which wanted to form a bumper zone between its land and Somalia.   The northern entities of Somaliland and Puntland have had a relatively better situation than southcentral Somalia. They somehow managed to provide a number of services to their population, establish a couple of democratic institutions, and limited violence up to some extent while south central Somalia continued to suffer humanitarian disaster.

(3)   3rd Pillar: Economic and Social Wellbeing.   The international community achieved little in terms of advancing the economic and social well-being of the people in Somalia. The efforts could not pass beyond aid delivery activities, which they only managed in the initial phases of the intervention. Unfortunately, the international community failed to continue their initial success. According to the UN, the number of people in need of aid increased from 1.5 million in September 1992 to 3.2 million out of 8 million Somalis in 2008.[156] The same year, one-sixth of the infants were at risk of starving to death and some 1 million were displaced.[157] The situation further deteriorated with the effects of drought in the region. Food prices

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155 *Somalia: History, Geography, Government, and Culture—Infoplease.Com.*

156 "UN Responds to Critics on Somalia Many Blame the UN for Long Delays in the World's Response to the Somali Crisis. Officials Say Lessons have been Learned that Promise Quicker Help in Future Emergencies," *The Christian Science Monitor,* September 02, 1992.

157 *International: Hunger and Terror; Somalia.*

were spiraling and the Somali shilling was drastically losing value. Despite international efforts, the severe malnutrition conditions in the country did not heal. This was interrelated to failure in the security pillar; lack of security hindered a large portion of the aid delivery, particularly in the rural areas. These effects regrettably compounded the poor health situation in the country.

According to UN Human Development Report 2006, access to clean water among the population was 29%, life expectancy at birth was 46 years, and the mortality rate of children under 5 was 13.5%.[158] From 2001 through 2007 the mean global malnutrition rate throughout Somalia was 15.6%, a bit higher than the emergency threshold of 15%. In 2008 the malnutrition rates were again reportedly below the emergency threshold. The GAO (United States Governmental Accountability Office) mentioned that despite all international efforts, the malnutrition rates in Somalia could not be reduced.[159]

Total international humanitarian aid from 2001 through 2007 reached $1 billion. Roughly 47% of this money, $349 million, was spent for food aid; $362 million of which was provided by the U.S. government for stabilization and reconstruction efforts, not including the U.S.'s $47 million funding for development programs through NGOs and UNDP to support programs on capacity building of the civil society, conflict mitigation, and increasing access to the basic services.[160] The goal of this assistance was to increase the credibility of the government and local administrations through building their capacity to administrate and supply basic services like water, education, and health. Since 2001, several attempts were made on development and infrastructure projects. The Reconstruction and Development Program (RDP), a joint 5-year program, was developed by the participation of the UN and World Bank in 2006 to

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[158] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 6.

[159] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 7.

[160] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 27.

plan national development efforts. However, little was achieved due to the lack of security, political stability, and reconciliation among the groups.[161]

Little was done to restore the school system, and most of the schools fell under the control of the UIC. Low school attendance rates reduced the number of the qualified workers in society.[162]

(4)   4th Pillar: Justice and Reconciliation.   In this pillar, moderate efforts were made in order to achieve reconciliation and inter-community peace.   However, those efforts failed due to the inability to effectively provide aid delivery and the security task of reconstruction, institution building tasks such as establishing a court system, and correction. Although a police service was established, it was only functional in several neighborhoods of the capital. On the flip side, clan elders from different informal entities such as businessmen and Islamic clergy continued to oversee sharia courts. As Emathe points out, the sharia courts managed to provide order up to an extent and appealed to public opinion, because people were tired of arbitrary violence, ruthless crimes and other results of statelessness.[163]

The National Reconciliation Committee (NRC) was established in 2007, and in good faith it called for a ceasefire and redistribution of land and homes to actual owners. Financial aid assistance came from the UNDP (United Nations Development Program) that provided $8 million for these efforts. USAID became a primary actor and facilitated several meetings to encourage dialogue between clan leaders.[164] Additionally, UN representatives chaired meetings and launched some projects to increase awareness through peace and reconciliation by distributing stickers and t-shirts, and displaying banners. A total of 2,600 delegates participated in the NRC meetings in Mogadishu during the months of July and August of 2007, representing the

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161 Ibid., 28.

162 Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 51.

163 Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 50.

164 Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 8.

clans, women, and diaspora.[165] The negotiation efforts were not inclusive enough, and several opposition groups boycotted the NRC. Had these groups participated in the system, negotiations may have further achieved their goals.

In September 2007 opposition groups such as the UIC, former representatives of TFG, various clan elders, and participants from the diaspora further diminished the chances of reconciliation by meeting separately in Asmara, Eritrea. They called themselves the Alliance for Liberation and Reconstruction of Somalia. Their declaration mostly cited the liberation of Somalia from Ethiopian invasion, and a new comprehensive political process to build a nation state with the participation of all Somalia stakeholders.[166] Several attempts by the UNPOS to bring these two negotiation processes together resulted in failure due to the lack of competent power.

3.   **Yemen**

    a.   Introduction

Figure 1.   Map of Conflicts within Yemen[167]

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[165] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 53.

[166] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 15.

[167] Scott Stewart, *AQAP and the Vacuum of Authority in Yemen | STRATFOR* (Austin: Strategic Forecasting, Inc., 2011).

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Yemen is currently one of those failing states with a lack of basic services, political tension, and ethno-religious disputes that prevent the government from functioning outside the capital city of Sana'a, while the surrounding ungoverned areas provide a safe haven for insurgent and terrorist groups such as al-Qaeda in the Arabian Peninsula (AQAP) in the forefront. Unfortunately for the people of Yemen, the country is fractured due to tensions between the government and the country's many tribes. The primary players are the Huthis in the northwest portion of the state that are predominately Shia, while al-Qaeda in the Arabian Peninsula (AQAP) and their cells are scattered throughout the state, and finally Al-Harak al-Salmi al-Janoubi, a large peaceful southern movement coalition of groups that prefer secession from the North.[168] Figure 1 demonstrates how the country is divided with clashes among the major players. Additionally, the lack of unity among the tribes, coupled with an abundance of weapons, prevent diplomatic solutions on two counts. First, the tribes and the government allow tension to escalate into armed conflict with little chance of reaching agreement, and second, other tribal leaders are paid off for their quiescence.

As the primary focus of this thesis, the goal is to identify the underlying causes of state failure in Yemen, the impact within the international community, and the shortcomings of international interventions. In the midst of a movement that has been spreading through the Middle East coined the Arab Spring, Yemen has gained attention on a global scale. Like an uncontrollable wildfire, leaders that have remained in power far too long are succumbing to the heat of protesters, as well as the blaze from NATO guns. Is Yemen the next country to find itself in the crosshairs?

A Common Country Assessment (CCA) dated 2005 by the United Nations Development Program (UNDP) identified the following reasons for the poor outcome of development interventions in Yemen: the lack of transparency and participation, the

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[168] Report of the High Commissioner on OHCHR's visit to Yemen, September 13, 2011, last modified November 1, 2011, http://www.ohchr.org/Documents/Countries/YE/YemenAssessment MissionReport.pdf.

monopoly of power, the disempowerment of women and children, unfair and unsustainable use of water resources, and a high unemployment rate with a population growth to match.[169]

This begs the question: can Yemen be shaped into a stable state through its own self-determination, or will it require international intervention to make it possible? There is a school of thought from a variety of scholars on what is required for a state to remain stable and prevent a drift towards an ugly ending. To avert Yemen's demise of becoming a failed state or the unthinkable, a collapsed state such as Somalia; this part of the thesis will focus on four pillars of post-conflict reconstruction subjugated to a binding power from the United Nations or any other form of international intervener, and initiatives that would restore the state.

b.   Historical and Cultural Issues: A Troubled Marriage Running On Fumes

The prevailing religion throughout Yemen's population is Islam, with Sunni Muslims in the majority over the followers of Shi'a Islam who are the Zaydis located in the north and northwest of Yemen. The Shufi's are followers of Sunni Islam located primarily in the south.[170] The creation of the Zaidi Imamate in 897 was an important landmark in the history of Yemen, as this minority group has been politically active in northern Yemen from the 10th century until 1962. During an unsuccessful coup attempt, Imam Yahya (1869–1948), who was the ruler of North Yemen and believed to be a descendant of Mohammad, was assassinated on February 17, 1948 with succession going to his son Ahmad.[171]

In the south, Yemenis began to realize their own potential and organized a revolt led by the Nationalist Liberation Front that pushed out the British who had occupied the city of Aden since 1919. However, the country remained split in two. This

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[169] "Yemen Profile - United Nations Development Program," last modified October 29, 2011, http://www.undp.org.ye/y-profile.php#a.

[170] Sharp, *Yemen: Background and U.S. Relations, 4.*

[171] *Columbia Electronic Encyclopedia,* s.v. "Yemen," last modified October 12, 2011, http://www.infoplease.com/ipa/A0108153.html.

provided an opportunity for outside actors to instill their influence for the two sides; with the Soviets backing the south and Egypt and Jordan supporting the royalists in the north.[172] Three-hundred years of separation between North and South Yemen ended as the two united on May 22, 1990, creating the Republic of Yemen. At that time, Ali Abdullah Saleh, who had been the ruler in the north since 1978, was elected as the president of the new country. The marriage between the communist south and tribal north became a dysfunctional one and the honeymoon phase quickly ended. A civil war erupted in 1994 over issues such as power sharing and the speed of integration between the two areas, their peoples, and parliament.[173]

Since the beginning of the civil war, the economy has continued to spiral downward. According to the IMF, revenue from petroleum and agriculture resources is declining in Yemen. Oil accounts for 90% of Yemen's export revenue, 60% of which is used for government revenue.[174] Another source of income for Yemen is through agriculture; however, water resources are becoming depleted. The average amount of annual rainfall is five inches or less. Most farmland is watered through terrace irrigation to supplement rainfall and with water from underground aquifers which have been overused.[175]

Coffee, once a primary crop in Yemen, has been replaced with a plant that produces a mild stimulant when the leaves are chewed. This plant is called Qat and has become a pillar of daily life and the rural economy. According to the bulletin that is published by the World Health Organization (WHO), qat is a social but addictive drug used by as much as 90% of adult men and approximately 50% of women. Qat is chewed with friends, family and colleagues throughout the day or at any type of social event. The WHO considers qat to have amphetamine-like properties that gives a "high" comparable

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[172] *"Yemen" the Columbia Electronic Encyclopedia.*

[173] CIA, *The World Factbook*, last modified October 23, 2011, https://www.cia.gov/library /publications/the-world-factbook/geos/ym.html.

[174] "IMF Program Note on the Republic of Yemen," last modified October 29, 2011. http://www.imf.org/external/np/country/notes/yemen.htm.

[175] Gerhard D. Rappold, "Precipitation Analysis and Agricultural Water Availability in the Southern Highlands of Yemen." In *Hydrological Processes Special Issue: Mountain Hydrology* 19, no. 12 (2005): 2438.

to a strong cup of coffee.[176] Qat has become an important cash crop because it can be harvested up to four times a year with a higher payoff to the farmers over other crops.

In his article, Leonard Milich identifies the strain on the water supply due to the excessive irrigation required for qat that only compounds the problems of the agricultural productivity, household food, economic security, and health that are just as stressed. Its production occupies more than one-third of Yemen's scarce arable land, more than double that from a decade ago.[177] On October 31, 2011, UN Secretary-General Ban Ki-moon announced at a press event from the UN Headquarters a new milestone to the world population by reaching seven billion.[178] With population growth expected to double within the next 20–30 years, the demand for qat will continue to grow inside Yemen, which in turn will further reduce the land available for growing food and continue to strain the water tables.

c.   International Intervention

Yemen is constantly in the headlines and it doesn't take much research to see that Yemen is plagued with numerous factors creating conflict and destabilizing the region. Those factors range from widespread corruption and a weak state institution, compounded with a rapid growing population, diminishing natural resources and repression of the populace. This has not gone unnoticed by the international community and there has been assistance from a variety of actors and supporters; however, much more needs to be done. There have been numerous agencies providing aid to Yemen. In fact, the World Bank is financing 28 projects with commitments totaling more than $1 billion U.S. dollars with $673.5 million disbursed as of December 2010.[179] Much of this aid is focused on operations and investment projects in vital sectors such as water, urban developments, education, agriculture and rural development, transportation, and energy.

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[176] WHO: "Khat Chewing in Yemen: Turning over a New Leaf," *Bulletin of the World Health Organization* 86, no. 10 (2008): 741.

[177] Lenard Milich and Mohammed Al-Sabbry, "The "Rational Peasant" Vs Sustainable Livelihoods: The Case of Qat in Yemen", http://ag.arizona.edu/~lmilich/yemen.html.

[178] "As World Passes 7 Billion Milestone, UN Urges Action to Meet Key Challenges" U.N. News Service, http://www.un.org/apps/news/story.asp?NewsID=40257.

[179] *Yemen Quarterly Economic Review,* (Sana'a, Yemen: World Bank, [2010]).

Before the bombing of the *USS Cole* in 2000 and the attacks on 9/11, the U.S.-Yemeni relationship remained at arm's length. The United States never invested heavily in Yemen, nor have Yemenis seen the United States as a benefactor. Lately there has been more cooperation between the United States and Yemen, primarily with the concern about terrorism; but at the same time, President Saleh is maintaining a balancing act to avoid the perception of being too friendly with the West. However, the United States Agency for International Aid (USAID) has extended its support to Yemen in the areas of health, education, economic growth and security. According to their website, USAID provided training and equipment to 1,500 midwives and dispatched 11 mobile medical teams that treat more than 4,000 patients per month.[180] Education in Yemen is among the lowest in the region and, with the assistance of USAID, the goal is to reverse the trend by expanding access to education in the poorest areas by providing training for teachers, reading materials and school supplies to over 200,000 students in more than 135 schools with a focus on girls' primary schooling. USAID is also supporting projects in the areas of infrastructure, farming, veterinary services and small enterprise support. USAID also addresses security concerns by disengaging the youth from being recruited by extremists and expanding basic service providers.[181]

d.   *Analysis: Through the Four Pillars*

(1)   First Pillar: Safe and Secure Environment. Unfortunately for the security of Yemen as a whole, police and military services can only function in and around the capital of Sana'a, thus allowing the security situation to deteriorate. In Sana'a and the city of Taiz, protests erupted with outbreaks from protestors of both factions, pro-government and anti-government. These protestors continue to call for the resignation of President Ali Abdullah Saleh.[182] The unified Yemen felt the pain of its decision when the country voted against the UN Security Council Resolution 678 that

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[180]"USAID Middle East - Countries - Yemen," last modified October 31, 2011. http://www.usaid.gov /locations/middle_east/countries/yemen/.

[181]*USAID Middle East - Countries - Yemen*.

[182]Gregory D. Johnson, " the Resiliency of Yemen's Aden-Abyan Islamic Army Publication: Terrorism Monitor," *The Jamestown Foundation* 4, no. 14, (13 July, 2006).

authorized the use of force to remove Iraqi troops from Kuwait.[183] Yemen's decision would cost them on two fronts: U.S. foreign aid to Yemen was stopped for the next ten years, which at that time amounted to U.S. $70 million a year; and Saudi Arabia and other gulf states deported hundreds of thousands of Yemen workers that burdened the Yemen Treasury Department.[184]

During the passage of the new millennium, cooperation became better between the U.S. and Yemen military as the concern for al-Qaeda increased. In 2000, while at port in Aden, the U.S. Navy destroyer Cole was attacked killing 17 American sailors and wounding another 37.[185] Additionally, an attack on a French ship, the Limburg, by terrorists in October of 2002, the failed Christmas 2009 bombing attempt of a Northwest Airliner, and packages shipped from Yemen with explosive material indicate that there are terrorists groups either in Yemen or receiving support from some factions within the country.

Since 9/11, the U.S. has increased its cooperation with Yemen through counterterrorism training and establishing a small private Special Forces unit. Additionally, funding has increased from $70 million in 2001 to $190 million as of 2010, primarily to be used by the Yemen army for training and counterterrorism operations.[186] In 2009, the U.S. sent 200 Special Forces for training and information sharing.[187] Surveillance flights and targeted killings also continued with the use of drones, such as the one that killed Anwar Al-Awlaki in September 2011. To ensure that al-Qaeda does not increase its grip within the country with the ability to train and conduct operations freely, U.S. military aid and cooperation will continue to grow. Yemen also receives funding for International Military Education and Training (IMET) to send officers to the

[183]*United Nations Security Resolution 678: Item 22 Iraq-Kuwait* November 1 sess., 1990, 617. (accessed November 1, 2011).

[184]*Democracy and Governance Assessment of Yemen* (Burlington, Vermont: ARD, Inc., [2004]).

[185] Sharp, *Yemen: Background and U.S. Relations, 8.*

[186] Vyas Ramasubramani, "The Long Road: Nation Building in Yemen," *American Foreign Policy Princeton: Student Editorials on Global Politics,* 2010.

[187] Juneau, *Middle East Policy Council | Yemen: Prospects for State Failure - Implications and Remedies,* 15.

United States to study at military colleges and institutions. Yemeni officers have received English language instructions from the Defense Language Institute with IMET funds. For a selected few, training for approximately 20 students are supported each year.[188]

The Yemeni armed forces have also begun receiving U.S. Foreign Military Financing (FMF) for outdated equipment. According to the Defense Security Cooperation Agency (DSCA) that manages the FMF, grants have helped Yemen's Air Force with sustainment of their two C-130H aircraft that are more than 30 years old, as well as their small detachment of F-5 fighter aircraft.[189] Yemen's Coast Guard has also benefited from the development and training by the United States through FMF grants. Sharp also identified in his CRS report how FMF funds are also used to supplement training for Yemen's Ministry of Interior Forces, specifically from the U.S.-funded Counter Terrorism Unit (CTU) inside the Central Security Force, an internal unit controlled directly by General Yahya Mohammed Abdullah Saleh, the president's nephew.[190] The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 authorized the Secretary of Defense, with the concurrence of the Secretary of State, to provide $75 million in aid (equipment, supplies, and training) to enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces for operations against al-Qaeda in the Arabian Peninsula and its affiliates.[191]

Yemen is flooded with small arms that are available in the open market as well as the black market throughout the country. The Small Arms Survey estimates that there are approximately 10 million civilian firearms in circulation; in other words, one for every two Yemenis.[192] Efforts from the government to curb proliferation have mostly been unsuccessful because of the tribal culture in which the bearing of arms is a longstanding tradition. Although, carrying weapons openly in public has become

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[188] Sharp, *Yemen: Background and U.S. Relations,* 34.

[189] Sharp, *Yemen: Background and U.S. Relations,* 33.

[190] Sharp, *Yemen: Background and U.S. Relations,* 27.

[191] Sharp, *Yemen: Background and U.S. Relations,* 34.

[192] *Yemen Armed Violence Assessment* (Geneva: Graduate Institute of International and Development Studies, [2010]).

more of a rural issue than within city limits, the proliferation of small arms continues to contribute to insecurity by making weapons readily available to terrorist and criminal organizations. According to the resource center from the United Nations, there is no DDR program in the Middle East, unlike the cases in Somalia and Kosovo.[193] Nonetheless, the U.S. assisted the Yemen government with a buy-back program in 2003 to reduce the number of weapons; however, there was little success of this program due to corruption between the locals and the Yemen officials conducting the transactions. These actions included the acceptance of buying a weapon from an individual that was already inoperable. The largest challenge is convincing the public to turn in their weapons. The fear is too great for the Yemen people to disarm themselves with issues involving property disputes and general safety. Having a weapon helps in the deterrence of blatant criminals and the prevention of being an easy target.

With attempts to demobilize and disarm the Yemen populace, Saudi Arabia can be a major benefactor with their experience in de-radicalization of prisoners and terrorists. Additional steps can be taken by the Yemen government in reforms to the correction systems that are classified in a dire state. The situation of the prisons exacerbates a climate for radicals and the recruitment of terrorist. Extremist groups are using the prisons as a classroom for their indoctrination and political training which only strengthens the position of terrorist groups such as al-Qaeda.[194]

(2)   Second Pillar: Government and Participation. The effectiveness of Yemen's government is alarmingly weak. An assessment from the World Bank places the effectiveness of the government at the bottom 17th percentile in the world; its ranking on control of corruption is in the bottom 33rd percentile.[195] Unfortunately, corruption flows through Yemen in all aspects of the government and society as a whole. The government fails to create any institutions that support the basic needs of its citizens. Corruption is the fuel that keeps the elite in power.

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[193] "United Nations Disarmament, Demobilization and Reintegration Country Programs," last modified November 1, 2011. http://www.unddr.org/countryprogrammes.php?ct=6.

[194] Sharp, *Yemen: Background and U.S. Relations,* 38.

[195] Hilton Root and Emil Bolongaita, *Enhancing Government Effectiveness in Yemen: A Country Analysis,* (Washington, D.C.: Management Systems International, [2008]), 5.

The power struggle between the government and the opposition has triggered demands of democracy among the people; however, it has not resulted in reforms. After 33 years of ruling, President Saleh sees his power dwindling without a trusted successor acceptable by the overall populace. On several occasions in the early part of 2011, the Gulf Cooperation Council (GCC) negotiated an exit strategy for the President Saleh with a clause for immunity. President Saleh finally agreed to the GCC plan in June 2011; however, he was wounded during an attack on the presidential compound and evacuated to Saudi Arabia for treatment. Upon his return to Yemen, Saleh reversed his decision. Although he is waffling on the decision to step down, critics recognize that Saleh has played this strategy before and few believe that he will never resign. However, the game has changed and President Saleh may not have a choice this time. With the demise of Gaddafi so fresh and brutal, the window for a graceful exit is rapidly closing for the Yemen President. His biggest adversary has become General Ali Mohsen al-Ahmar who commands Yemen's northwestern military district and has declared that his forces will protect the people.

The opposition parties in Yemen have been heated over President Saleh's amendment to the electoral law, forming a new Supreme Commission for Elections and Referenda (SCER), and amending the constitution such that it would allow him to stand for reelection. In his report, Sharp states that parliament passed an amendment to the electoral law that allowed the SCER to be comprised of judges rather than representatives appointed by members of parliament. This occurred in December 2010 while the opposition resisted the amendment. For almost three years, the composition of the SCER has been contested by the members of the opposition with charges that it is comprised of Saleh loyalists who are unwilling to make the electoral system free and fair.[196]

Although the military and police services fall under the control of the President, they are often criticized of repressing the media and the opposition.

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[196] Sharp, *Yemen: Background and U.S. Relations, 1.*

Oppression was reported during the 2003 elections; however, since that time, the situation has improved with fewer complaints from the candidates and journalist.[197]

Resistance to external intervention also makes state-building assistance that much more difficult. In January 2010, for example, 150 clerics issued a fatwa rejecting military cooperation with the United States and calling for jihad in the event of foreign military intervention.[198]

(3)   Third Pillar: Economic and Social Wellbeing. The failing state situation continues to impact the economy in Yemen as oil resources, the main source of revenue, declines.   According to the CIA World Fact Book, the population growth is estimated at 2.65 percent as of July, 2011, with a total population of 24,133,492, and nearly half the population living below the poverty level.[199] Yemen's inability to control its own population makes it highly probable that it will continue to be infiltrated by others who are not interested in its success as a state, but rather in its demise. Even though there are some efforts by international actors to fix the economy, a lack of unity of efforts combined with little cooperation from the current regime prevents recovery. The efforts to develop other sources of revenue such as natural gas and non-oil dependent industries should be unified. Also, water management with programs such as rainwater collection and irrigation systems would prove extremely beneficial.[200] With half the border of Yemen on the sea, investments in desalination plants supported by the GCC states would be an optional venue to solve the water supply. Although a very expensive solution that would prove difficult for the mountain cities such as Sana'a, it could however alleviate problems in lower-altitude areas.

Yemen has received very little financial aid from the international community. To illustrate this point, the total amount of aid received by Yemen in 2005 equated to $335 million, working out to $16 per capita. In contrast, Palestinians received

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[197] Sharp, *Yemen: Background and U.S. Relations, 5.*

[198] Juneau, *Middle East Policy Council | Yemen: Prospects for State Failure - Implications and Remedies,* 9.

[199] CIA, *The World Factbook.*

[200] Juneau, *Middle East Policy Council | Yemen: Prospects for State Failure - Implications and Remedies,* 13.

$303 per capita in the same year. The following year, in 2006, the GGC pledged $4 billion; however, only 15% of the promise has been fulfilled since 2010.[201]

One of the most important partners to Yemen is the Kingdom of Saudi Arabia; although in the past the policy was to weaken the central government. According to the 2008 annual report of the Saudi Development Fund, over $460 million in loans were made available to Yemen between 1978 and 2008; and since 2009, Riyadh made an additional $300 million available to finance highway, electricity, water, health, and education programs across the country.[202]

The current U.S. administration has requested $120.16 million in State Department-administered foreign aid to Yemen for FY2012. For fiscal year 2011, the administration requested $106.6 million, but just over half was allocated by Congress in the amount of $62.898 million.[203] A Yemen report from the U.S. Department of State showed other agencies were involved as well. The IMF has worked with the Yemen government to institute a structural adjustment program. The program included major financial and monetary reforms, such as floating the currency, reducing the budget deficit, and cutting subsidies. Yemen also receives U.S. economic aid from three primary sources: the Economic Support Fund (ESF), the Development Assistance (DA) account, and the Global Health Child Survival account (GHCS).[204]

In order to increase donor coordination and widen the scope of support, the United States and Great Britain helped form the Friends of Yemen Group, a multilateral forum of 24 concerned countries that was launched at a January 2010 conference in London. The Friends of Yemen group convened in Abu Dhabi two months later where they received statements from Yemeni officials that the country requires $44 billion in aid and investment to support development over the next five years.[205]

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[201]Juneau, *Middle East Policy Council | Yemen: Prospects for State Failure - Implications and Remedies, 14.*

[202] Sharp, *Yemen: Background and U.S. Relations*, 30.

[203] Jeremy M. Sharp, *Yemen: Background and U.S. Relations* (Washington, D.C.: Congressional Research Service, [2011]), 6.

[204] Sharp, *Yemen: Background and U.S. Relations,* 28.

[205] Sharp, *Yemen: Background and U.S. Relations,* 40.

As of 2011, the World Bank is involved with 20 active projects with Yemen in the areas of public sector governance, water, and education.[206] Additionally, the World Bank has teamed up with agencies from France, Germany, Italy, Netherlands, United Kingdom, United States, European Commission, and United Nations agencies for the development of Yemen. The World Bank Group is also working with the IMF on a macroeconomic dialogue, and close dialogues have also been established with the GCC Secretariat.[207]

In order to rebuild the economy and the human capital of Yemen, the health and education system must be addressed before these institutions are completely decimated. Efforts have been attempted to overcome this shortage; however, as soon as a clinic or school is opened, it is immediately used for something else or closed all together. There is a mindset that God will provide. Unfortunately, the lack of education continues to be evident with the deficiency of skilled workers in the country. The issue of security has a direct impact on the people; many Yemenis that possess a high level of education or technical expertise have become expatriates. Although Saudi Arabia has supported Yemen with programs and the financing of training institutions, these efforts pale in size to the overall problem that has stricken the country: illiteracy.

As security continues to be very problematic for the country, it also brings a high cost to the economy in several ways. A prime example is the reduction of maritime traffic due to the soaring rate of piracy off the coast of Yemen, primarily from its neighbor, Somalia. As a result, insurance costs have sky rocketed for the rise in hijackings and kidnappings of mariners using shipping lanes in the Gulf of Aden.

(4)   Fourth Pillar: Justice and Reconciliation. The Yemeni government recently attempted to reform the judiciary and enhance its capacity. However, the weakest link of the three branches of government remains with the court systems as it continues to be susceptible to interference from the executive branch.

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[206] "Yemen" U.S. Department of State, last modified October 24, 2011, http://www.state.gov /r/pa/ei/bgn/35836.htm.

[207] Tina T. Moayed, "Yemen: Country Brief" World Bank, last modified November 1, 2011, http://go.worldbank.org/21JDOQBJ80.

According to Article 149 of Yemen's constitution, judicial authority is autonomous in its judicial, financial, and administrative features. However, Article 104 of this law assigns the president of the republic to the supreme judicial council (SJC). To save the country and reduce corruption, a radical judicial reform is required to reduce the interference of the president and executive branch over judicial affairs and increase transparency, accountability and integrity. A recent poll from the Yemen Polling Center on bribery showed that 4% of respondents believe that the judiciary is the most bribe-ridden sector in Yemen.[208] Judges are routinely bribed and in some cases, they can choose from competing bribes between two parties in competition with one another. It becomes a bidding war for the verdict of the judge. Unfortunately, there is no judicial code that establishes a standard of ethics, and local judges are easily pressured and intimidated with punishment from higher levels if a judgment is unacceptable. The police are also important; as a report authored by Dr. Robinson and associates for USAID, Yemenis widely view the police as one of the most corrupt state agencies in Yemen.[209] Judicial authorities and the police should be more tightly linked and better coordinated to ensure that judicial rulings are fully implemented and respected.

Although the constitution and legal framework afford all citizens equal treatment under the law and provided them with the opportunity of a fair trial, in practice they are deprived of it. Government crackdowns since 2003 have routinely ignored the law by claiming that national security overrides personal rights. In 2004, for example, there were two trials reported for not meeting international standards of fairness.[210] Likewise, the legal system remains highly informal, with personal connections and networks frequently trumping the dictates of the law.

There is also a difference between what is regulated by law and what is happening on the street. The government's record on enforcing property rights is particularly weak in parts of the country where tribal forces are stronger and government

[208] Glenn E. Robinson et al., *Yemen Corruption Assessment* (Vermont: ARD Inc., [2006]), 12.

[209] Robinson et al., *Yemen Corruption Assessment,* 12.

[210] Brian Katulis and David Emery, "Country Report: Yemen" Freedomhouse.org, last modified November 3, 2011, http://www.freedomhouse.org/template.cfm?ccrcountry=143&ccrpage=31&edition =7&page=140&section=78.

authority is limited. Claims, particularly in southern Yemen, have arisen concerning government seizure of property and violations of property rights, with charges of unequal application of laws being levied.[211]

The U.S. State Department provides additional assistance to the Yemen training program for judges, prosecutors and police commanders through the Nonproliferation, Anti-terrorism, Demining and Related (NADR) programs. In 2010, funds were granted to assist in harmonizing their implementation of criminal law with international norms and values in an effort to increase the government's ability to counter terrorism.[212]

The police forces are currently under control of only the executive branch, reducing their impartiality and effectiveness. It also undermines the success of the judiciary branch. Reform should be implemented to provide oversight from the judiciary branch as well as collaboration between the judges and police commanders.

The process to equalizing the power among Yemen's society will be a long and arduous one. Minority rights appear to be a very low priority for President Saleh and his regime; reluctance to compromise their power in the belief that no one else is capable of leading the country and keeping it unified will continue to trump the issues and grievances that plague the Yemen society. In the eyes of southern Yemenis, there are numerous wrongs that must be righted. These include violations of property rights and the exploitation of their business from the northern tribes after unification that led to civil war in 1994. Settling these grievances will drastically reduce the alienation that the south has been subjected to, as well as the effects of AQAP. [213]

In order to prevent the possibility of human right violations and further destabilization and the country, the international community should establish a position that would force the hand of President Saleh to concede concessions and implement reform to appease the population. Yemen relies heavily on its scant oil

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[211] Ibid.

[212] Sharp, *Yemen: Background and U.S. Relations,* 34.

[213] Juneau, *Middle East Policy Council | Yemen: Prospects for State Failure – Implications and Remedies,* 15.

revenues and financial aid from countries such as Saudi Arabia and the United States, which should be stopped to entice the regime for change before assistance resumes. A secondary position should come from a UN resolution that would authorize economic sanctions backed by the use of military force if necessary. The threat or use of military force can easily be demonstrated with a naval presence in the Gulf of Aden.

V.   ANALYSIS OF THE CASES: WHAT IS THE ALTERNATIVE FOR YEMEN AND WHY?

This chapter analyzes the importance of binding power by comparing and contrasting the Kosovo and Somalia interventions while drawing lessons for Yemen and future failing state situations. In a failing state the local government is likely to be incompetent and corrupt, and its institutions and officials are generally less educated and less knowledgeable in comparison to other international professionals. Therefore, if there will be an international intervention in Yemen or another country, it must be competent comparable to the UNMIK and EULEX missions in Kosovo, with a strong mandate that provides a binding power to take necessary actions. Thanks to their binding power, the UNMIK and EULEX managed to establish a local government, improve its capability, and supervise all of the institutions, while UNOSOM II could not successfully support the TFG in Somalia. The interveners in Kosovo also had a robust control over the local government, while the UN political office for Somalia functions in Nairobi, Kenya with a mandate to just observe and advise. Their advice is not obligatory for local entities. UNPOS and other UN associates must function inside the country with an executive and stringent mandate like UNMIK and EULEX in Kosovo. The TFG is not under international control and sometimes it presents difficulties for humanitarian aid programs. In October 2007, TFG soldiers raided UN properties and detained the head officer of the World Food Program (WFP). The WFP suspended its functions until the officer was released within a few days.[214] The same year, TFG soldiers demanded fees from passing traffic of $20 per vehicle, including the trucks delivering aid before allowing them passage.

The international binding power over local actors doesn't mean ignoring the opinions of local stake holders and the importance of local participation. On the contrary, international actors are more sensitive in terms of respecting ideas and enabling participation than local governments. When they are equipped with a strong mandate, they will be capable to deliver on their promise and therefore receive respect from the

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[214] Emathe, *Somalia: IGAD's Attempt to Restore Somalia's Transitional Federal Government*, 33.

people. But if the internationals don't have authority over the local government, their efforts may be jeopardized by the actions of local officials or institutions. Local actors have the tendency to ignore the grievances of the population and steal humanitarian aid goods for themselves and for profit making. However, international professionals are generally not in need of aid goods, and therefore they have no reason to exploit their responsibility to assist. Since the internationals have all the means for success, such as training, education, sensitivity to cultures and discipline, they will ensure rapid success as long as they are equipped with a competent mandate. Once success has been observed by the local populace, participation and support will follow.

The immediate steps of intervention such as food delivery, shelter, and security also require a binding power by international authorities. In Kosovo, due to their strong mandate, the international interveners were successful in achieving these immediate goals and passed to the next level of development programs. However, none of these immediate goals were accomplished in Somalia and the shift to longer-term goals never materialized. Realizing the incapability of the authorities involved to carry out the long-term development programs, the donors also focused on only food and shelter-based donations.[215] Another effect of the lack of security in Somalia was its hindrance over the evaluation of the progress of operations. Therefore, the international community failed to make necessary changes and updates.[216] The Somalia case shows that the international intervention both starts and ends with the security pillar. Once security is provided, the other pillars will. This will additionally increase popular support both within the failing state and from participating countries, as well as international donations. Consequently, security has priority over all the other pillars of post-conflict reconstruction. Had the international actors in Somalia been granted a strong mandate, security would have been provided effectively, and humanitarian aid could have been delivered successfully.

Although the authority to use power is provided by Chapter 7 of the UN charter, the application was extremely poor in Somalia. The use of power should have been

[215] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 20.

[216] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts*, 27.

implemented powerfully and impartially. The impartiality should have been displayed with good practices and using mass media to target the population for awareness of the mission and the goodwill of the peacekeepers. This can constitute a virtuous cycle: establishing the order and providing aid and services, increasing the number of the people buying into the operations. Adding these masses into the system will enhance the power of the operators in accelerating their efforts, as well as increase contributions from international donors. For Yemen and future cases, international military and police forces should be equipped with a powerful mandate to establish security as soon as possible, and establish and supervise the local security apparatus. Once a certain level of security is accomplished, the international forces should maintain their posture until local forces prove maturity.

Although a lack of manpower was often cited as the reason for failure in many cases, in reality, the true cause stemmed from insufficient binding power. The African Union Mission in Somalia (AMISOM) suffered from a lack of manpower, unable to provide effective security, protect the transitional government, support reconciliation processes, facilitate aid delivery, but most importantly, failed to achieve progress due to the lack of binding power.[217] Even if they had been granted more troops they would have failed due to the lack of binding power. It is imperative to have the appropriate authority combined with the necessary manpower. A police station without appropriate legal authority having twice the number of required officers would be less effective than a smaller force with authority, such as having the power to stop a car, use necessary force, and make arrests, otherwise they will fail. Although we assert that UNMIK had enough manpower, it would not have achieved its goal without the binding power. Furthermore, the governments in Somalia, Kosovo, and Yemen are all corrupt and incompetent and their officers are generally poorly trained, unaware of universal norms and values, less sensitive to human rights, and less funded compared to international professionals. If the country and the people are left to their own devices, they will not be able to achieve success.

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[217] Melito, *Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts* 3, 10.

In Kosovo, UNMIK and EULEX affiliates have managed to show their respect for the local culture and therefore cultivate strong relationships with the population. The same method can be possible in Somalia and Yemen. Since Islam has strong effects on the Somalia and Yemen population, the solution should include some religious dimensions. To increase the legitimacy of the TFG, moderate Islamists groups could have been supported and their positions should have been strengthened against the war-prone extremists.[218] In return, their support would be gained by the TFG and the international intervening actors, and this support could have been announced to the population using the media and Internet. This information operation should have targeted the rifts inside and between extremist groups such as the UIC and Shabab. To counter the propaganda of terrorist organizations and appease the sediment of perception that Christians occupy their Muslim land, the number of peacekeeping personnel from Muslim countries and non-Muslims should have been balanced. Until this goal was achieved, Christian countries could have focused on financing and their presence could have been reduced until the problem was overcome. The efforts of the Arabic countries that create the GCC in Yemen are worthwhile in this context. It is essential that the tribal issues of Yemen be considered in such a manner as to ensure they are not alienated, but rather embraced. This approach will assist in the transformation of a country that is split with tribal ideas and factions to an open and fair state for the entire population. Aid programs and other means of international interventions should be more integrated with a more assertive approach to ensure reform is achieved in the country.

Unilateral engagements should be avoided as demonstrated in several scenarios. The Ethiopian invasion into Somalia, for example, advertised their mission as a peacekeeping effort. However, it only exacerbated the situation and prolonged the animosity between two nations; nor were Ethiopian troops there for international peace. There should have been a multinational approach including other nations welcomed by Somalis, such as Arabic or Muslim countries. In Kosovo, where the UNMIK was highly

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[218] The ideas about this information campaign are adopted from Cuevas Eloy E. and Wells, Madeleine, *Somalia: Line in the Sand—Identification of MYM Vulnerabilities,* 28.

successful, the composition of forces was pluralistic enough with peacekeepers from all around the world, including Americans and Russians.

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VI.   CONCLUSION

Since the tasks are highly interconnected and interdependent, a successful international intervention in failing states requires all four pillars to be addressed simultaneously, with the priority on security and aid delivery tasks in the initial phase. Since security is the most essential thing in the post-conflict environment, all issues relating to security must be addressed effectively starting from the very beginning. Aid delivery must be fulfilled in this secure condition and the initial steps of other pillars must follow these phases.[219] Since failing states are unable to provide a safe and secure environment, security should be supplied by international military or police forces, beginning in the early phases of intervention until the country recovers.

Binding authority of the international interveners has significant importance for interventions of failing states. There is strong empirical data to support this argument. All of the international interventions that had a comprehensive binding mandate were successful, while most of the voluntary approach and weak mandate interventions failed. The complex interventions in Cambodia, Kosovo and East Timor achieved their goals one after another. First, they succeeded in providing security while humanitarian workers delivered aid to heal the wounds of conflict. Then they tackled comprehensive democratic peace-building tasks to create new institutions. In Cambodia, UNTAC possessed the power to administer elections, create local institutions to run these elections, and to enforce mandatory instructions over all governmental institutions. On February 16, 1991, the Paris Agreements authorized UNTAC with a higher power to suspend or repeal the laws in effect.[220] Cambodia was a unique case that achieved unprecedented success because of this large mandate and binding power. It was the first successful mission to enshrine the right to establish multiple political parties and conduct a fair election to establish a legal civil authority in the country.[221] In Kosovo, UNMIK

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[219] Eloy E. Cuevas and Madeleine Wells, *Somalia: Line in the Sand—Identification of MYM Vulnerabilities,* 28.

[220] Cogen and De Brabandere, *Democratic Governance and Post-Conflict Reconstruction,* 677.

[221] Cogen and De Brabandere, *Democratic Governance and Post-Conflict Reconstruction,* 693.

had a similar mandate with the power to run elections, establish, advice, and supervise a government, and guarantee rights and liberties of the population. Both missions gradually transferred the responsibilities and power to local institutions while maintaining the right to supervise. The East Timor intervention also followed a similar approach as Kosovo and Cambodia with some subtle differences. Due to the early reach of success, the UN started its withdrawal creating a power vacuum that led to an upheaval in the community. Fortunately, the mission was able to reestablish itself and restore order soon after. Likewise, the interventions in Iraq and Afghanistan are heading towards similar success. The same approach can be adopted for a future intervention in Yemen.

Democracy and human rights are also indispensable for international intervention. The people of failing states are generally aware not only of the economic wellbeing, but also democratic liberties of the western world. When they hear about international intervention, a rise occurs in the expectation of democracy building. Otherwise, it would be difficult to achieve legitimacy and popular support for the weak or new government. After the decolonization process, the new generation international intervention operations were implemented as democracy building activities. They included three universal bases of democracy: fair elections, freedom of assembly, and freedom of expression.[222] In this perspective, UNTAC was significant in proving that the international community could achieve the goal of democracy building along with peacekeeping.

Another key tenet for post-conflict reconstruction is accountability, and is almost as important as security. Lack of accountability causes inefficient use of resources and therefore failure of aid delivery and development programs.[223] Accountability must be maintained for all programs and actions. Instead of broad goals with collective responsibility, an approach with definite responsibilities on certain persons must be adopted. As Easterly emphasizes, feedback from the field is essential for accountability. He makes an analogy of reconstruction activities with marketing activities. In the market, customers provide feedback by buying the products or returning the items if they are not

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[222] Cogen and De Brabandere, *Democratic Governance and Post-Conflict Reconstruction,* 677.

[223] Easterly, *The White Man's Burden: Why the West's Efforts to Aid the Rest have Done so Much Ill and so Little Good*, 5–7.

of good quality. They are able to hold the manufacturer responsible if the product is not good enough. If the product works with no problem there will be rewards for the producer in the form of the profit of the transaction. Likewise, during the intervention, feedback should be provided from the field, evaluated objectively, and mechanisms must be established to track accountability in the lower, medium, and higher level administration.

A.   POLICY RECOMMENDATIONS

International interveners must have binding power over local governments to impose rules and supervise the institutions as in the cases of Kosovo, Cambodia, and East Timor.   It is necessary to remember that the host government failed to solve their problems and that is ultimately why the international actors are there. Primary responsibility must be held by the UN and gradually handed over to the new local government. However, UN supervision must be maintained until the government proves its maturity. This does not mean local participation and the ideas of the local actors can be disregarded. With a balanced approach, local participation and ownership should be facilitated to increase the legitimacy of the government and keep potential spoilers under control. International peacekeepers must show respect to their ideas while their awareness is increased through workshops and training programs.

International assistance should start when signals identify a path to failure: dense ethnic conflict, refugee flow, and massive human rights violations.   The international community can impose sanctions over the government and opposition groups to ease the tension and prevent state failure.

Unilateral interventions must be avoided and a broad multinational participation should be adopted. Ethiopian occupation of Somalia only exacerbated the resentment of the extremist groups as well as their propaganda. UN involvement and leadership is equally important, because of its universality, and most importantly, its impartiality. The U.S. should also be involved in the intervention due to its political and economic influence, leverage in negotiations, and deterrence on malicious actors. When the U.S. has no interest in the intervention its symbolic involvement will also be beneficial.

The authority to make decisions must be granted to the teams in the field of the host country. A remote control approach from capital cities of the states and UN headquarters in New York is a good recipe for failure, as rightly illustrated by Hamre and Sullivan.[224]

The role of the military is essential for many cases, but civilian actors have a comparative advantage over military. Therefore, the role of NGOs, private sector, civilian police, World Bank, and diplomats must be increased while the military footprint is reduced with the exception of the initial phase.

The relay approach is irrevocable in international intervention; however, the main actors must remain the same throughout the course of the intervention. The timeline must be calculated realistically with a comprehensive plan developed according to theoretical scientific information, and the historical and socio-political background of the country.

Instead of getting stuck on infeasible and vast objectives, such as ending poverty or eradicating malaria in the world, an approach with a creative piecemeal solution must be adopted. Feasible piecemeal programs, for example quick impact projects, cash for school programs, and the mosquito net program in Malawi, can achieve gradual success and therefore more support from donors.[225]

Accountability must be brought to all programs and actions. Broad goals and collective responsibility weaken the incentives of workers and institutions; instead, the system should burden specific responsibilities on certain institutions and individuals for specific tasks. A feedback flow from the field should be obtained for an effective implementation of accountability.

The intervention should be programmed in a manner that harnesses the participation of the locals through long-term goals of the intervention. The main goal of

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[224] Hamre and Sullivan, *Toward Post-Conflict Reconstruction*, 93.

[225] Easterly, *The White Man's Burden: Why the West's Efforts to Aid the Rest have Done so Much Ill and so Little Good*, 12–13.

interveners is the success of the program, but it is personal gains for the local participants.[226] In this respect, it is essential to embrace the impoverished people including the landless poor.

There must be a tiny space to allow for corruption. After the first phase of immediate aid delivery and security, a transparent and competitive program must be adopted and announced.[227] The international interveners must standardize their own contracts through certain transparent processes, as well as impose the same procedures for local authorities.

Ethnic grievances must be addressed through reconciliation processes and concerns of weak groups must be addressed with nonviolent solutions.[228] These processes should not marginalize any salient ethnic group in order to prevent reoccurrence of ethnic conflict. Minority rights must be guaranteed by the constitution and laws while discrimination be prohibited. With just and equal treatment through governmental and intervention activities, respect for cultural diversity must be devised.[229]

There are generally two types of operations that support post-conflict reconstruction. The first type is peace keeping missions with prior agreement among the warring parties. Peace enforcement operations, on the other hand, originated over the opposition of one or more of the indigenous factions.[230] The first should be given priority with a comprehensive mandate. However, when one or more conflicting parties do not allow the chance of peace, the international community should not hesitate to launch peace-enforcing operations.

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[226] Korten, *Community Organization and Rural Development: A Learning Process Approach*, 496.

[227] Dobbins et al., *The Beginner's Guide to Nation-Building: RAND, 254.*

[228] Michael E. Brown, ed., *Ethnic Conflict and International Security* (Princeton: Princeton University Press, 1993), 13.

[229] Michael E. Brown, ed., *Ethnic Conflict and International Security* (Princeton: Princeton University Press, 1993), 23.

[230] Dobbins et al., *The Beginner's Guide to Nation-Building: RAND,* 255.

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