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# Governance Delegation Agreements: Shared Sovereignty as a Substitute for Limited Statehood

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*Governance delegation agreements—international treaties allowing external actors legal authority within host states for fixed terms—succeed in simple and, under certain conditions, complex state-building tasks. These deals are well institutionalized and have input legitimacy because ratification requires sufficient domestic support from a ruling coalition. In order to obtain that input legitimacy, however, host states constrain external actors commensurate with their level of statehood: Stronger states delegate less legal authority. This article argues that these constraints, which produce joint rather than complete authority, require external actors to work within state structures rather than substituting for them, and thus make coordination of complex tasks more difficult. A quantitative overview of data on consent-based peacekeeping missions complements a qualitative analysis focused on comparative case studies in Melanesia and Central America to test the theory. The results support the theory and suggest that these deals hold promise particularly for accomplishing complex tasks in especially weak states.*

In 2003, the Regional Assistance Mission to the Solomon Islands (RAMSI) brought an Australia-led mission into the Solomon Islands to provide governance while strengthening the state, especially in terms of the rule of law. The Solomon Islands had requested this governance delegation agreement, under which the government temporarily relinquished some of its authority in order to reestablish the rule of law and restore effective governance. Limited statehood drove the request: The weak state was plagued by militias that formed after the Asian financial crisis, which continued to drain the treasury through extortion and deny the government any capacity to enforce the rules even after the fighting died down (Moore 2005). The mission—composed of more than 2,000 foreign troops, police, and other personnel—substituted the authority of these external actors above Solomon Islands structures of government, although it required annual review and contained a termination option contingent on a majority vote in the Solomon Islands Parliament (Department of Foreign Affairs and Trade 2003). RAMSI, as this article shows, has succeeded in restoring the rule of law and strengthening governance through the

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substitution of an external actor for a weak state. Other states in the region also requested governance delegation agreements, but they placed more constraints on the shared sovereignty arrangements because they had more domestic sovereignty: A coalition in Papua New Guinea (PNG) resisted the 2003 Australian Enhanced Cooperation Program (Fukuyama 2007b), and so, to get the deal signed and thus maintain input legitimacy, the two states settled on joint authority. This agreement has only succeeded in less complex tasks.

Sharing sovereignty “involve[s] the engagement of external actors in some of the domestic authority structures of the target state” (Krasner 2004, 108). Mechanisms for sharing sovereignty, however, remain underanalyzed and undertheorized in the existing literature (Krasner 2004, 2009; Lake 2009; Osiander 2001; Risse 2011). This article examines the effect of governance delegation agreements—a modality of sharing sovereignty—in terms of providing governance and strengthening the state, particularly by restoring the rule of law. Governance delegation agreements are implemented through international treaties, which must be backed domestically, and thus they only occur when capacity building is beneficial to coalitions on both sides. In order to align these incentives, and inherently gain input legitimacy through the signing of such an agreement, both sides accept constraints commensurate with the weakness of the host state. There are many cases in which these deals simply do not obtain, and, when they do, they are often downgraded: In full governance delegation agreements, host states cede complete authority over certain personnel and resources to an external actor, whereas in the more common partial delegation agreements, host states only allow joint authority (Matanock 2013).

This article argues that governance delegation agreements can accomplish both simple and, depending on the level of delegation, complex tasks through substitution: The external actor’s capabilities can substitute for the host state’s capabilities. Delegation deals are contracts--treaties that rely on host states to request and enact them through their domestic institutions, rather than trusteeships that occur through coerced imposition. As such, they constrain external actors based on the level of statehood that the host has. The contracting process requires the host state to sign on, which legalizes and provides input legitimacy for the mission, and the external actor to sign on, which produces extensive institutionalization. Consensus and capabilities, then, exist for delegation deals to improve governance. But the constraints accepted by both sides to achieve agreements limit the reach of the international actors: external actors receiving more authority are more able to implement changes in host states by substituting for, rather than working within, that state’s structures; this is especially the case with respect to complex tasks that require extensive coordination. Thus, full delegation deals are more likely than partial delegation deals to have an effect on these complex tasks.

To test this theory of the effectiveness of governance delegation agreements, this article focuses on qualitative data: cases studied over time, as

well as in comparison with samples of other likely cases. The main comparison is within Melanesia—between the Solomon Islands and PNG—while an additional case from Central America is considered in order to confirm generalizability. The article also reviews quantitative data on United Nations (U.N.) Chapter VI missions in which the host state consents to external actor assistance in peacekeeping. The quantitative and qualitative evidence supports the theory that governance delegation agreements are effective for some state-building tasks, and that the depth of delegation—full rather than partial—determines effectiveness with respect to more complex tasks, even including the restoration of the rule of law. Both types of delegation deals are, as expected, well institutionalized and have input legitimacy, but the authority of partial delegation deals are more constrained under their contracts. The results match the implications of the theory and suggest that the weakest states, in particular, may benefit from the substitution of external actor capacity for host state capacity.

This article proceeds in three sections. First, it offers a theory of the effect of governance delegation agreements—both full and partial—in areas of limited statehood, which centrally considers their constraints based on the conditions that produce them. Next, it tests the theory using quantitative and qualitative evidence. Finally, it concludes.

### Delegation Deals

Governance delegation agreements are a particular modality of shared sovereignty, which entail allowing an external actor—typically another state or an intergovernmental organization—authority in a host state through a contract. Two sovereign actors implement an international treaty to legally institutionalize shared sovereignty. These are negotiated arrangements—“contracted” rather than “coerced” (Krasner and Risse 2014)—even if the bargaining is asymmetrical. Implementing a treaty that legalizes shared sovereignty requires input legitimacy: The host state must ratify the treaty, so the treaty must have sufficient domestic support to be implemented by a coalition that believes the cost-benefit ratio is better than those of the alternatives. The arrangements contain exit conditions and review dates for the return of all authority to the host state after a task completion or time period, but in the interim, the missions receive: (1) authority to make legally binding decisions about host state citizens or resources, and (2) acknowledged foreign accountability. A final component, immunity from the host state’s laws, may accompany the mission.

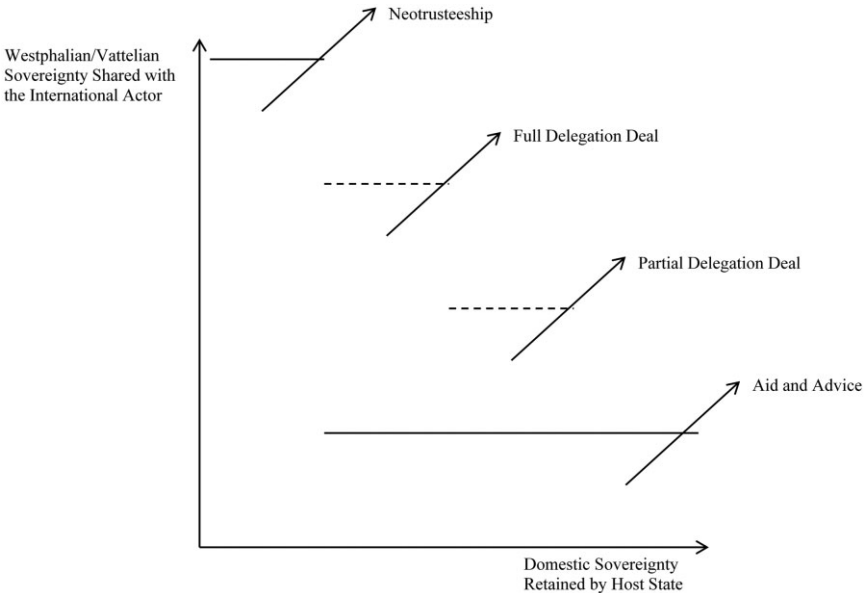
These delegation deals are not common, and, even within them, constraints are often imposed: In full delegation deals, missions are given authority to make and execute decisions *above* the host state, and, usually, receive nondiplomatic immunity from their laws. The authority must apply to at least some host state functions; in the cases identified, it applies specifically to the rule of law. In partial delegation deals, missions are given authority to make and execute decisions *alongside* the host state. The

external actor is thus more constrained. With complete authority, the external actor has the final call in how the host state’s own citizens are treated and resources are used; with joint authority, both sides have some say in the decisions. In both cases, host states agree to allow external actors temporary full or joint legal authority over aspects of their authority structures as specified by a treaty. An empirical set of governance delegation agreements, U.N. peacekeeping missions mandated under Chapter VI, suggests that lower levels of delegation are more common (based on Fortna 2008), and most international assistance is composed of aid and advice that does not require any delegation.

These delegation deals occur when weak host states relinquish some Westphalian/Vattelien sovereignty—their right to exclude external actors from their authority structures—to external actors also interested in reestablishing domestic sovereignty in that country (aspects of this trade-off argument are in Cooley and Spruyt 2009; Krasner 1999; Lake 2009) (Figure 1).

The conditions under which both sides’ interests align, however, are limited (based on the argument in Matanock 2013). The external actor’s interests align with those of the host state when it is interested in securing the state due to a transnational concern—such as terrorism or drug smuggling—but not when the threat is so severe that the only solution is

FIGURE 1  
**Sovereignty Trade-Off**



Source: From Matanock (2013).

immediate intervention without any constraints on the external actor (according to a former Australian foreign minister, evaluating “fighting” one’s way into a country requires a different calculation; Downer 2008). As transnational concerns have become more troubling since 9/11, major powers may also take greater interest in securing more states. If the host state is willing, delegation deals present an alternative to both international trusteeships (Lake and Farris 2014) and to aid and advice. The host state’s interests align with the external actor when a coalition in control of the host state is losing power because its ability to enforce the rule of law *and* to control resources is limited. When those in control are limited in *both* of these dimensions of statehood, they cannot coerce or spend to maintain domestic sovereignty. A coalition governing under these conditions gains from making a deal with external actors by maintaining power through renewed access to order or funding, or, at a minimum, limiting its opponents’ authority if it loses as much after the agreement is enacted. Host states, however, have incentive to retain as much authority as possible, so they will only relinquish as much Westphalian/Vattelien sovereignty as they are forced to by their loss of domestic sovereignty (in terms of order or funding) (Krasner 2004). Only states lacking statehood are likely to accept full delegation deals, while others can be expected to resist commensurate with their level of statehood (shown in Matanock 2013).

### **State-Building through Substitution**

Governance delegation agreements—based on how and why they obtain—are well institutionalized and have input legitimacy (on these concepts, see Krasner and Risse 2014), which make them capable of restoring rule enforcement and providing governance. Their contracting processes, however, determine the type of delegation legalized in the treaty, and, thus, the level of task complexity the deal can achieve. In addition to being legalized through the treaty, each side has obligations under the treaty. First, the external actor must secure resources for the mission before ratification. Missions therefore enter with tremendous capabilities in the form of organized deployments of military or civilian cadres that have access to these funds. These agreements are thus well institutionalized.

In addition, governance delegation agreements acquire input legitimacy through their contracting processes, but are also constrained by these same processes. Since these arrangements are international treaties that must be ratified by the host state, they require sufficient support from a domestic coalition—ruling elites and sometimes the segment of the population that helped them into power—to be signed into law. In Melanesia, Australia at times rejected delegation deals because consent would not help reduce the cost of the mission: The requesting coalition must be sufficiently broad that the international actor will benefit from these

TABLE 1  
**Governance Delegation Agreements Preserve Legitimacy through Constraints**

Delegation Deal	Institutionalization	Input Legitimacy	→	Task Complexity
Full	X	X		Complex
Partial	X	X	+ added international constraints to convince ruling coalition to share, despite stronger domestic sovereignty	Simple

constraints by avoiding the cost of intervening by imposition—“fighting” its way in and then governing by coercion (Downer 2008). More often, the degree of domestic support—driven by state weakness in terms of order and funds—leads to a constrained deal: The less limited the state is, the harder the governing coalition will resist relinquishing more sovereignty, resulting in partial rather than full delegation agreements (or, indeed, no agreement in strong states). The more limited the statehood, the more legal authority legitimately delegated, and the fuller the delegation agreement.

The task complexity that governance delegation agreements can tackle depends on the level of delegation. Full governance delegation agreements, although employed in cases of greater state failure, are more likely to succeed at complex tasks; partial delegation deals are less likely to do so. Given the limited statehood of the host state, the external actor is most effective when reestablishing the rules through its own structures, rather than having to work within the state’s structure. Complex tasks involve multiple activities by different entities (Krasner and Risse 2014) and makes coordination crucial. If the external actor receives complete authority (in full delegation agreements), coordination tasks shift entirely to it. If the agreement specifies joint authority between the external actor and the host state, they must work in tandem on coordination tasks. Coordination between different organizations with different capabilities, as well as rules and norms, is more difficult. In addition, the constraints on delegation often apply similarly to its scope: Rather than having authority over the prosecutor’s office, for instance, the mission may only have authority over certain prosecutions. With complete authority, the external actor can substitute its structure for the state, and so it can accomplish even complex tasks that require extensive coordination, such as restoring the ability to enforce rules; with joint authority, the external actor can only accomplish simple tasks that require less coordination.

In summary, constraints on the level of delegation increase input legitimacy and institutionalization, making a contracted deal conceivable. Constraints also limit the authority provided to the external actor, making coordination tasks more difficult, as the mission works with the state’s structures rather than substituting for them (see Table 1).

## Evaluating Effectiveness

The rest of the article tests (1) whether governance delegation agreements are effective in providing governance and restoring the rule of law, and (2) whether they are more effective in more complex tasks given fewer constraints on legal authority (full rather than partial delegation). Other quantitative and qualitative analyses have tested the assumptions underlying the theory: Governance delegation agreements occur in weaker states with closer ties to interested international actors, and agreements with weaker states are more likely to involve full delegation (Matanock 2013).

To assess these hypotheses, this section reviews quantitative evidence briefly before analyzing qualitative evidence. Qualitative evidence is better suited to the comparison and measurement challenges inherent in these questions due to data availability in terms of outcomes and selection effects. Both types of comparison focus on the outcomes most tied to the objectives of these missions—return to conflict, homicide, and conviction rates—although they also consider broader measures, like child mortality, that may be affected by the ability to enforce rules, especially in delegation deals with wide scope (Lee, Walter-Drop, and Wiesel 2014).

Overall, the analysis demonstrates that governance delegation agreements are effective, but only with respect to certain tasks: Full delegation can accomplish complex tasks, like restoring the rule of law, while partial delegation can accomplish only simpler tasks, like increasing criminal convictions. The cases also show that both types of agreements are well institutionalized and have input legitimacy, but that the level of statehood determines the constraints that are imposed legally through the treaty. These constraints account for the differences in effectiveness between levels of delegation.

## Quantitative Overview

A set of governance delegation agreements with clear comparison cases are consent-based U.N. peacekeeping missions authorized under Chapter VI: These forces, sent for observational, traditional, and multidimensional peacekeeping, are enacted with the consent of the host state (as opposed to unilaterally under Chapter VII) (Fortna 2008). These agreements aim to restore the rule of law, which is a complex task. Chapter VI missions differ in the level of delegation—observational missions may be limited to joint authority, while traditional and multidimensional missions may receive complete authority—even though all have the consent of the host state. Testing whether the state returned to civil conflict after a Chapter VI mission, then, is an appropriate test given the tasks assigned to these missions (which do not deal with development, for example, directly in most cases), but it is also a tough test for the theory as some of these may only be equipped for simpler tasks, such as disarming a rebel group. Nonetheless, existing evidence suggests that U.N. peacekeeping missions in general prolong peace (Fortna 2008; Gilligan and Sergenti 2008).



Some current studies suggest that Chapter VI missions, in particular, prolong peace (Fortna 2008). I further test this claim through additional analysis (based on Gilligan and Sergenti 2008, including the same matching variables and method: one-to-one nearest neighbor matching). The data include all civil wars with at least a month pause between 1990 and 2003 (Gleditsch et al. 2002). Chapter VI missions were active during this period in Bosnia and Herzegovina, Croatia, El Salvador, Georgia, Guatemala, Liberia, Morocco, Mozambique, Namibia, Nicaragua, Rwanda, Serbia and Montenegro, and Tajikistan.<sup>1</sup> Consistent with existing studies, I find that conflict is less likely to recur with Chapter VI missions than without them (27% of the cases compared with 60% of the cases), and the correlation is statistically significant at the standard levels (see Table 2). A time trend does not likely explain the relationship, as there is no statistically significant difference in the peace observation periods between the two groups. In the analysis, matching helps identify similar cases—that is, cases without missions that are most like those receiving missions in terms of state weakness and international interest (Matanock 2013)—to examine differences in effects; it thus minimizes the role of confounding variables.

Other outcome variables, like crime, are missing in most cases, and broader measures of governance, like infant mortality, are unlikely to capture the effect of these missions based on their limited contracted aims.<sup>2</sup> Aside from missing data and the inability of matching to mitigate the possibility of all omitted variables, the main challenge to this analysis remains that these deals delegate at different levels, so the task complexity that they should be able to achieve is not yet tested. The quantitative overview suggests that, on average, delegation deals can accomplish the task of prolonging peace after civil conflict (presumably by strengthening the rule of law), but full delegation deals may be driving this success on a complex task. Given the small sample size, further parsing these categories for quantitative analysis is not feasible. These results echo existing work on peacekeeping missions, including consent-based Chapter VI mission, and should be taken as a suggestive addition to the qualitative analysis.

### Qualitative Analysis

To evaluate the effect of governance delegation agreements, this section examines cases over time and in comparison to small samples of similar states. I focus on the governance delegation agreements in the Solomon

TABLE 2  
Cross-Tabulation of Conflict Recurrence after Civil War

	Return to Conflict	Remain Peaceful
Consent-based cases	27% (4)	73% (11)
Matched cases	60% (9)	40% (6)

Islands and PNG in Melanesia, and then I consider Guatemala in Central America as an additional test. These cases are drawn from sets of states with areas of limited statehood: In Melanesia—the Solomon Islands, PNG, Fiji, and Vanuatu—postcolonial institutions were weak and then faltered with the Asian financial crisis; in Central America—especially El Salvador, Guatemala, and Honduras—post-civil war institutions were feeble and then faced further difficulty with escalating drug wars. The states in each sample are similar on many dimensions that may influence delegation, such as resource endowments, cultural and social traditions, and political histories. I focus on Melanesia but broaden beyond the sample to demonstrate that these are not driven by regional anomalies, such as the presence of microstates or a particular sphere of influence. Both sets are close to engaged regional powers, but different ones: Each sample has been the “patch” of Australia and the United States, respectively, and each has produced transnational security threats for those powers, which made involvement likely (e.g., see Downer 2008; South Pacific Forum 1999). The theory implies that regions of particular interest to major or regional powers will be more likely to receive delegation deals (shown in Matanock 2013), but major powers are also increasingly active in assisting weak states around the globe due to more diffuse transnational security threats (broadly, for example, among a set of RAND reports by this team; see Dobbins et al. 2008; Fortna 2008). This section shows that fuller delegation is effective even on complex tasks, while the constraints associated with partial delegation make it suited only to simpler tasks.

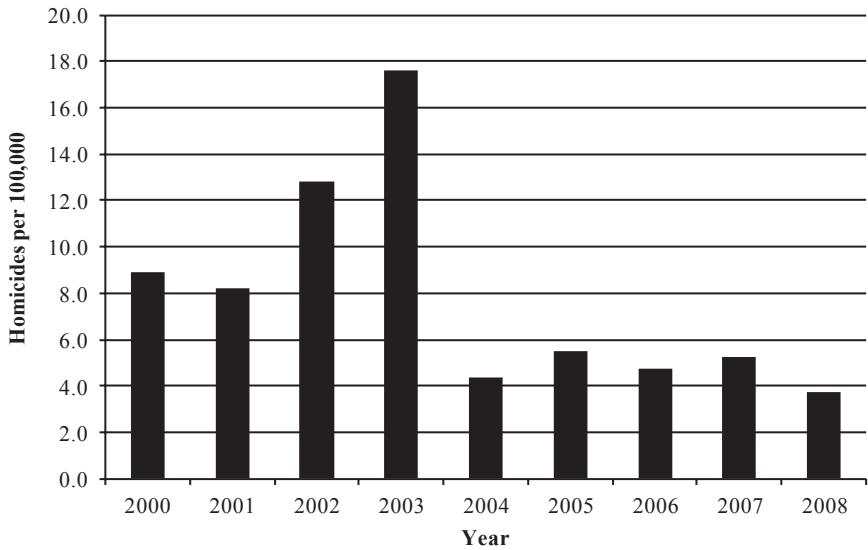
Solomon Islands. The Solomon Islands is the canonical case of full governance delegation. As mentioned above, in 2003, Australia—officially through the Pacific Islands Forum, an intergovernmental organization—and the Solomon Islands signed an agreement that granted substantial authority and immunity to the mission. The external actor’s role was to reestablish the rule of law and restore effective governance: to “prevent and suppress violence, intimidation and crime; support and develop Solomon Islands institutions; and generally to assist in the maintenance of law and order” (Department of Foreign Affairs and Trade 2003). The mission has extensive authority: Most notably, the RAMSI police force is explicitly exempt from the authority of its domestic counterparts, and the legally binding chain of command is headed by RAMSI (Afeau 2008; Department of Foreign Affairs and Trade 2003). Additionally, all mission members receive legal on-the-job immunity and off-the-job first right to be prosecuted by the external actor through an act unanimously approved by the Solomon Islands parliament (Afeau 2008; Solomon Islands National Parliament 2003). RAMSI is thus a full delegation agreement: The mission has legal authority and is explicitly beholden to a foreign entity. The mission requires annual review and contains an option for termination with a majority vote in parliament (Department of Foreign Affairs and Trade 2003).

RAMSI is well institutionalized and backed by input legitimacy observable in the treaty's ratification and widespread support. Aside from RAMSI receiving enough backing from political elites in power to clear the legislature and the courts, polls show that the population also backed the agreement: A survey found that 94% supported the "force intervention" just before RAMSI in 2003 (Anderson 2008, 7). RAMSI's mandate was expanded by the Solomon Islands' prime minister after ethnic unrest in 2006, and it has so far been maintained despite exit clauses, so it clearly has a sufficient domestic coalition (Dobbins et al. 2008, 191). When RAMSI entered, it substituted highly institutionalized external capacity for the small host state: RAMSI brought over 2,000 personnel and a projected \$1 billion over time to the Solomon Islands, which had a population of less than a half million and an annual gross domestic product (GDP) of less than \$1 billion (McMullan and Peebles 2006). Most of the personnel are troops or civilians cadres accustomed to working together within a hierarchy. The deployment per capita is higher than any other peacetime state-building endeavor, and the commitment to assist over 10 years is one of the longest engagements (Dobbins et al. 2008, xxxi, 186, 202, 211).

The lack of constraints and the fuller delegation were due to limitations in terms of obtaining resources *and* policing in the Solomon Islands, compared with other Melanesian cases that had fewer areas of limited statehood (Matanock 2013). In the Solomon Islands, a budgetary crisis resulted from corruption and extortion, alongside a policing failure (broadly, see Fry and Kabutaulaka 2008; Kenilorea 2008; Wickham and Roughan 2008). The Asian financial crisis strained institutions inherited from the colonial administration, which did not integrate informal structures among different segments of society, especially with respect to land ownership (Bennett 2002; Moore 2005). Ethnic-based militias formed to contest areas of the island of Malaita (Dinnen 2002; Moore 2005). Active fighting was brief but damaged the institutions: The police were largely co-opted by the militias, and the regime was changed by coup (Hegarty 2008; Moore 2005). In the aftermath of the violence, the government could neither police effectively nor enforce other rules, leading the Solomon Islands to lose access to all resources, including foreign aid, which disappeared as soon as it arrived in the treasury (Fraenkel 2008; Hegarty 2008): "The government could not enforce law and order. Corruption and extortion drained government resources and service provision faltered" (Dobell 2008, 57).

Many measures of statehood and governance are not available for the Solomon Islands, but evidence of both problems exists: A 2000–2003 audit found that corruption and extortion led to the loss of tens of millions of dollars in revenue (Moore 2006). By 2003, the treasury was regularly empty, and treasury officials were among the first to request RAMSI (Fraenkel 2008). And while the conflict did not become a civil war, policing certainly failed. For instance, homicides per 100,000 increased during this period from 8.9 to 17.6 (Figure 2).<sup>3</sup> The Political Instability Task Force identified "complete collapse or near-total failure" of state authority due

FIGURE 2  
Crime in the Solomon Islands



Data: Solomon Islands National Statistics Office, Crime Statistics (<http://www.spc.int/prism/solomons/>) (2000–2003), and UN Office on Drugs and Crime (UNODC) Homicide Statistics 2012 (<http://data.un.org/Data.aspx?d=UNODC&f=tableCode%3A1>); the coverage from these sources does not overlap, but using the Solomon Islands National Statistics Office Data on population, I can recreate the homicides per 100,000 from 2004 to 2008, so I believe they are comparable.

to these dual problems in enforcing rules, even as quasi-democratic institutions continued to exist and violence was “limited” (Goldstone et al. 2010). Under these conditions, Prime Minister Allan Kemakeza requested RAMSI (Cook 2008; Moore 2005).<sup>4</sup> Kemakeza had relied heavily on a militia for security, but, over time, it demanded more resources than the government had and threatened the cabinet when the demands could not be met (Hayward-Jones 2008; Moore 2005). Kemakeza, backed by much of the population, rallied a coalition in congress to join the treasury officials in supporting RAMSI.

By all assessments, RAMSI’s substitution in the Solomon Islands has been effective, even beyond simple tasks: Enforcement of the rule of law improved, as did other outcomes. RAMSI has replaced almost the entire state—police, justice, and treasury—and changes across sectors may therefore be attributed to the mission. The reduction in crime is clear in the number of homicides (Figure 2): The rate immediately dropped from 17.6 to 4.3 from 2003 to 2004, and it remained low through 2008. Despite the absence of civil war noted above, state failure on security had been

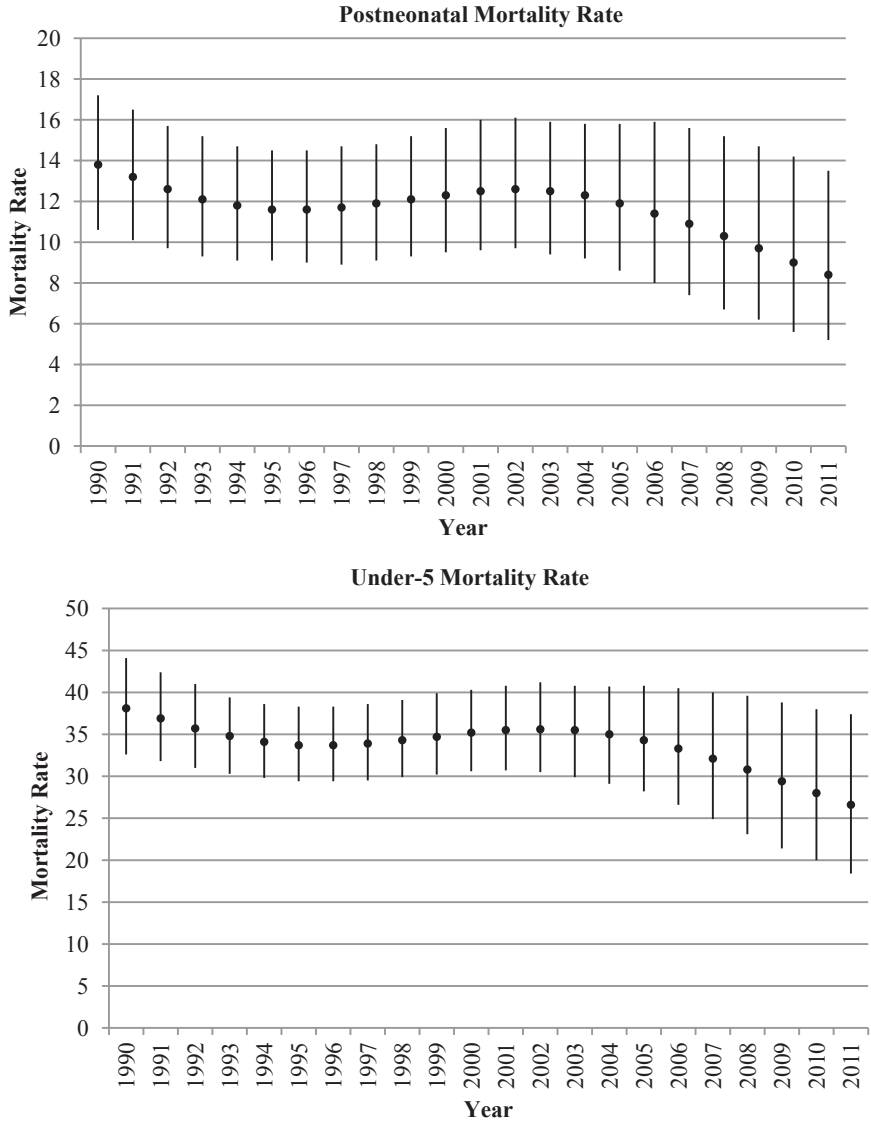
identified by 2000—this ended after RAMSI's entrance (Goldstone et al. 2010). Other indicators also demonstrate the improvement in the rule of law: Between 2000 and 2006, the Solomon Islands' scores on World Bank indicators for political stability and absence of violence increased for the state by more than 30 percentage points (Dobbins et al. 2008, 190). Perceptions reflected the facts: By 2005, most Solomon Islanders believed that the security and justice systems, as well as service provision, had improved (Anderson 2008, 7).

RAMSI also sought to improve state capacity to enforce rules beyond the rule of law. In the limited data available for the broadest measure of state capacity suggested (Lee, Walter-Drop, and Wiesel 2014). Infant and child mortality rates increased during the period of state failure between 2000 and 2003, but began declining in 2004 and then dropped steadily and more steeply than in the 1990s (Figure 3). Gains were also seen in the economic front: Economically, by 2004, GDP growth was 5.5%—the highest among Pacific Island Forum members—and government revenue grew substantially with better collection (Dobbins et al. 2008, 200).

Overall, RAMSI has been very successful in reestablishing the rule of law and the ability to enforce rules generally. Inherent in full delegation, however, is the substitution of the external actor's capacity for host state's capacity, so it is unclear if the success will persist after RAMSI's withdrawal. RAMSI provides police, including the deputy commissioner, as well as investigators, prosecutors, and magistrates; outside of the rule of law, it also substantially bolsters other agencies (Dobbins et al. 2008, 194–195; Peake and Brown 2005, 525–531). There are concerns about whether indigenous capacity has increased sufficiently to allow the state to function independently, although RAMSI has devoted itself to building institutions since 2005 (Dobbins et al. 2008, 187, 203). RAMSI removed some governmental corruption by removing personnel—by February 2004, for example, 400 police had been fired (and some arrested)—but other aspects of state-building, including recruiting qualified personnel to replace them have been more difficult (Afeau 2008; Dobbins et al. 2008, 192–193). The long-term effects of these efforts to build indigenous capacity, while substituting RAMSI's own capacity to improve governance functions, are unknown.

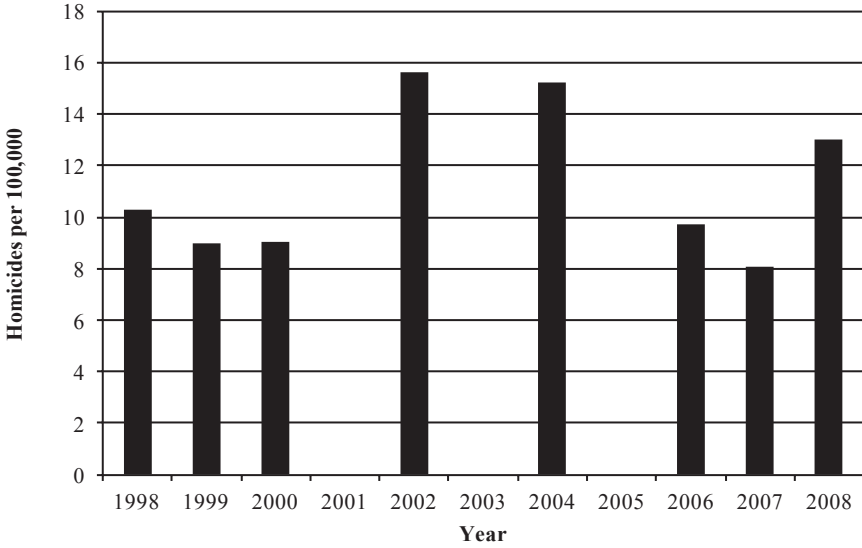
Papua New Guinea. PNG is a natural comparison case of partial governance delegation. The state resisted an initial attempt at full delegation, and, instead, settled on the Strongim Gavman Program (SGP) in 2005. SGP allows Australian officials only joint authority through “in-line” positions, including in the prosecutor's office, where external actors can make decisions together with PNG officials. The mission thus has allegiance to an external actor, the Australian government, which pays its members' salaries, sets their agenda, and has joint authority in the host state. In addition to having joint rather than complete authority, the PNG courts overturned immunity for the mission, and, in turn, Australia limited the scope of its involvement.

FIGURE 3  
Mortality Rates in the Solomon Islands



SGP has more constraints than RAMSI, but it is also well institutionalized and backed by input legitimacy. Again, the delegation deal was signed and ratified by the PNG parliament. Downgrading the level of delegation from full to partial, however, resulted in a reduction in resource commitments: The mission was scaled back from hundreds of police and officials and an initial pledge of eight million dollars over a

FIGURE 4  
**Crime in Papua New Guinea**



Data: Gun Policy Organization, University of Sydney (<http://www.gunpolicy.org/firearms/region/papua-new-guinea>) [1998–2007], and UNODC Homicide Statistics 2012 (<http://data.un.org/Data.aspx?d=UNODC&f=tableCode%3A1>).

five-year period in a state of almost six million people, although Australian assistance was mobilized to endow the project in its smaller scope (Anonymous 2008; Downer 2008).

PNG faced limits on policing and controlling resources, like the Solomon Islands, but the limitations were fewer, enabling parts of the coalition in power to resist full delegation (Dinnen, McLeod, and Peake 2006). The PNG government had some resources and capacity to enforce some rules (Chand 2008; White 2008). The state was most concerned with widespread corruption that worsened governance and especially with high crime rates (Dinnen 2000). On corruption, in 2006, Transparency International ranked PNG 130th, compared, for example, to Fiji, which ranked 55th.<sup>5</sup> In terms of the rule of law, the state was weakened by the Bougainville conflict and the Asian financial crisis, but it had not failed (Goldstone et al. 2010). Crime was high, however, due to limitations on state capacity: The average number of homicides per 100,000 before 2004 was 11.8 (Figure 4), compared, for instance, to average rates in Fiji and Vanuatu of 1.9 and 0.8, respectively. PNG, then, had limited ability to collect resources and enforce the rule of law, but neither function failed fully.

After RAMSI, Australia offered a similar deal to PNG: In 2003, the states discussed full delegation to a mission with some legal immunity in



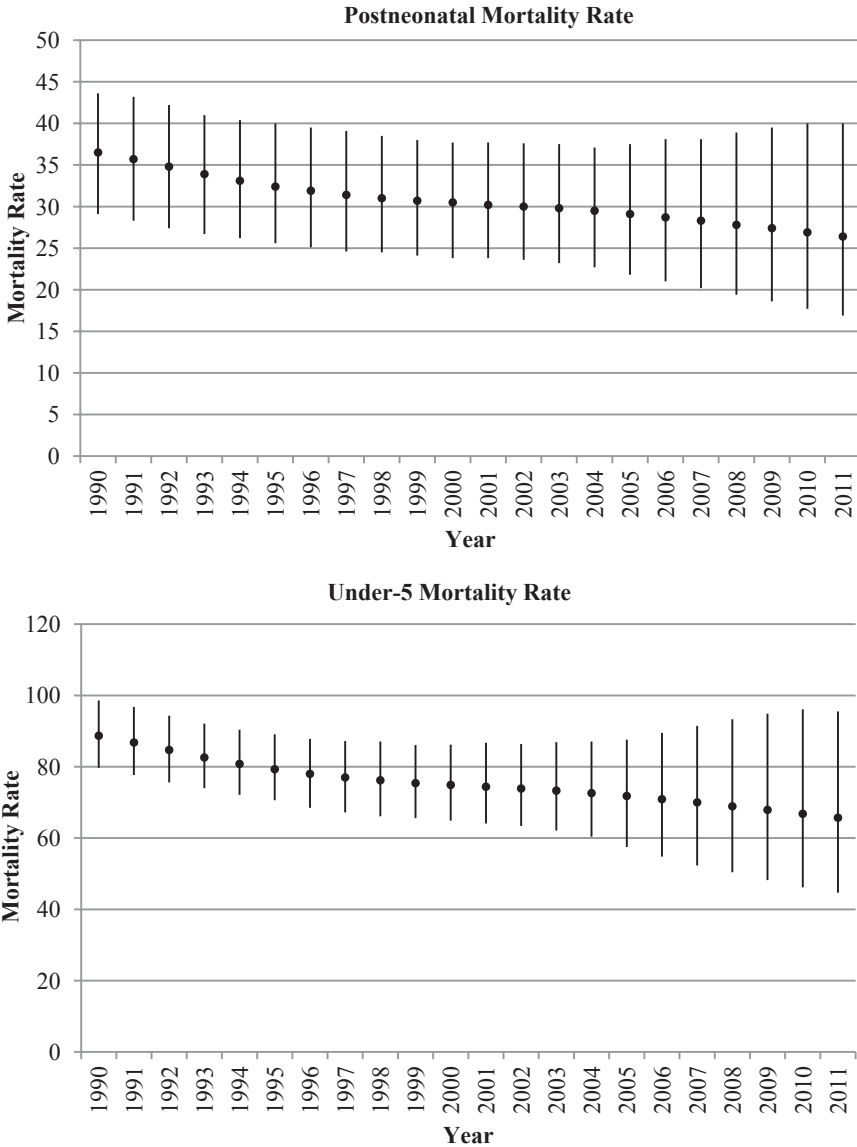
positions of authority throughout the government (Department of Foreign Affairs and Trade 2004; Fukuyama 2007b). PNG passed the initial legislation in 2004 (Anonymous 2008; Department of Foreign Affairs and Trade 2004; Downer 2008). Resistance within the state soon coalesced, however, and was particularly strong due to the comparison with the Solomon Islands, which was considered a failed state whereas PNG was not (Fukuyama 2007a, 2008). Some sectors of the PNG government still benefited from corruption and crime, while those that signed the deal—led by the treasury, which could not collect sufficient resources to cover the budget—did not and demanded change as conditions worsened (Chand 2008). Domestic support was not as widespread as in the Solomon Islands: A coalition of political elites, eventually backed by the courts, deemed the legal immunity and authority granted to Australia unconstitutional (“Wenge to Test ECP’s Validity in Court” 2004; “Focus-ECP’s Legal Fallout on Immunity” 2005). These challenges were centrally driven by the remaining strength of PNG’s domestic sovereignty (Downer 2008; Fukuyama 2007a, 2007b, 2008). The challenge resulted in more constraints on the mission to achieve the contract with its input legitimacy, and so, ultimately, only joint authority obtained.

As expected, SGP’s shared authority has not succeeded on complex tasks like RAMSI’s substitution, but has on simpler tasks. PNG did not see a discontinuous drop in homicides per 100,000 after 2005 (Figure 4), or in infant and child mortality (Figure 5). Other outcome indicators and perceptions also suggest no improvement in these complex tasks of state-building (e.g., see O’Keefe 2009). There is some evidence that SGP succeeded in specific simpler tasks, such as prosecuting certain cases, but the evidence is on those is easier to assess in the next case (Anonymous 2008; Downer 2008).

Beyond Melanesia. Turning to Central America, the International Commission against Impunity in Guatemala (CICIG) provides another partial delegation deal. CICIG’s mission was to establish the rule of law, especially by conducting court cases and reforming institutions in Guatemala (Hudson and Taylor 2010). The government and CICIG jointly decide which cases the commission takes—those that concern “criminal structures and clandestine security organizations”—and then the commission can investigate criminal charges, and, if invited, share authority as a co-prosecutor (Pastor 2011/2; *Código . . . , Decreto 51-92*, Articles 116-121 cited in Wirken 2011). Initially, the agreement called for complete authority over investigations and joint authority over prosecutions, but that depth of delegation was ruled unconstitutional (“*Acuerdo . . .*,” Article 3 2006; Reilly 2009, 35). CICIG also selects, trains, and works with a special unit from the Public Prosecutor’s office, recommends structural changes to the legislature, and identifies corrupt civil servants for disciplinary proceedings (*Convenio . . .*, Article 308 cited in Wirken 2011; “*Acuerdo . . .*” Article 3 2006). CICIG is enacted in two-year periods, set to end in 2015,



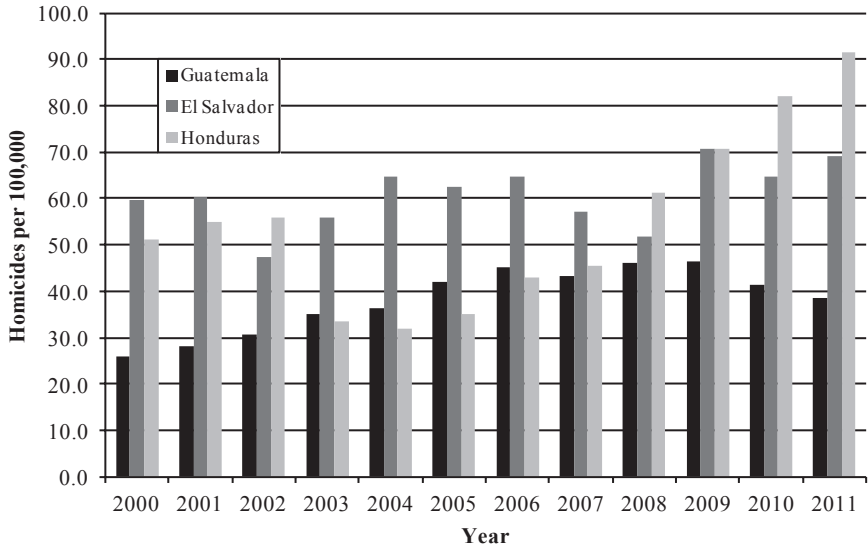
FIGURE 5  
Mortality Rates in Papua New Guinea



and cannot legally be cancelled in the interim (Castresana-Fernandez 2011).

CICIG thus delegates joint authority to the U.N., and it is, again, well institutionalized and backed by input legitimacy. The mission consists of 200 personnel recruited from agencies worldwide, has an annual budget

FIGURE 6  
Crime in Central America



Data: UNODC Homicide Statistics 2012 (<http://data.un.org/Data.aspx?d=UNODC&f=tableCode%3A1>).

of approximately \$20 million, and reports directly to the Secretary-General (Castresana-Fernandez 2011; International Crisis Group 2011). The commission expected CICIG to succeed in simple tasks—for example, increasing conviction rates through investigation and prosecution as well as complex tasks, such as strengthening the rule of law through its exemplary convictions, advocacy, removal of corrupt individuals, and institutional reform (Castresana-Fernandez 2011; Pastor 2011/2).

Like PNG, however, domestic sovereignty in Guatemala was limited but sufficient to substantially constrain CICIG. Crime and corruption in Guatemala began to affect the ability of some government actors to deliver on political promises and, thus, to hold power. After 1996, Guatemala was no longer at war internally, nor was it considered a failed state, but criminal violence was high (Figure 6; see Reilly 2009). Rule of law was weakened by an inability to overcome impunity caused by corruption of the security sector by clandestine criminal structures rooted in the Guatemalan civil war (1960–1996) (Alston 2007; Pastor 2011/2). In addition to nearly full impunity, the U.N. found that the judicial system lacked the capacity to investigate infiltration by these corrupting structures (International Crisis Group 2011). At the same time, the government owed payouts to civilian patrols from post-civil war promises it could not afford to keep, and the United States made continued aid contingent on standards that Guatemala

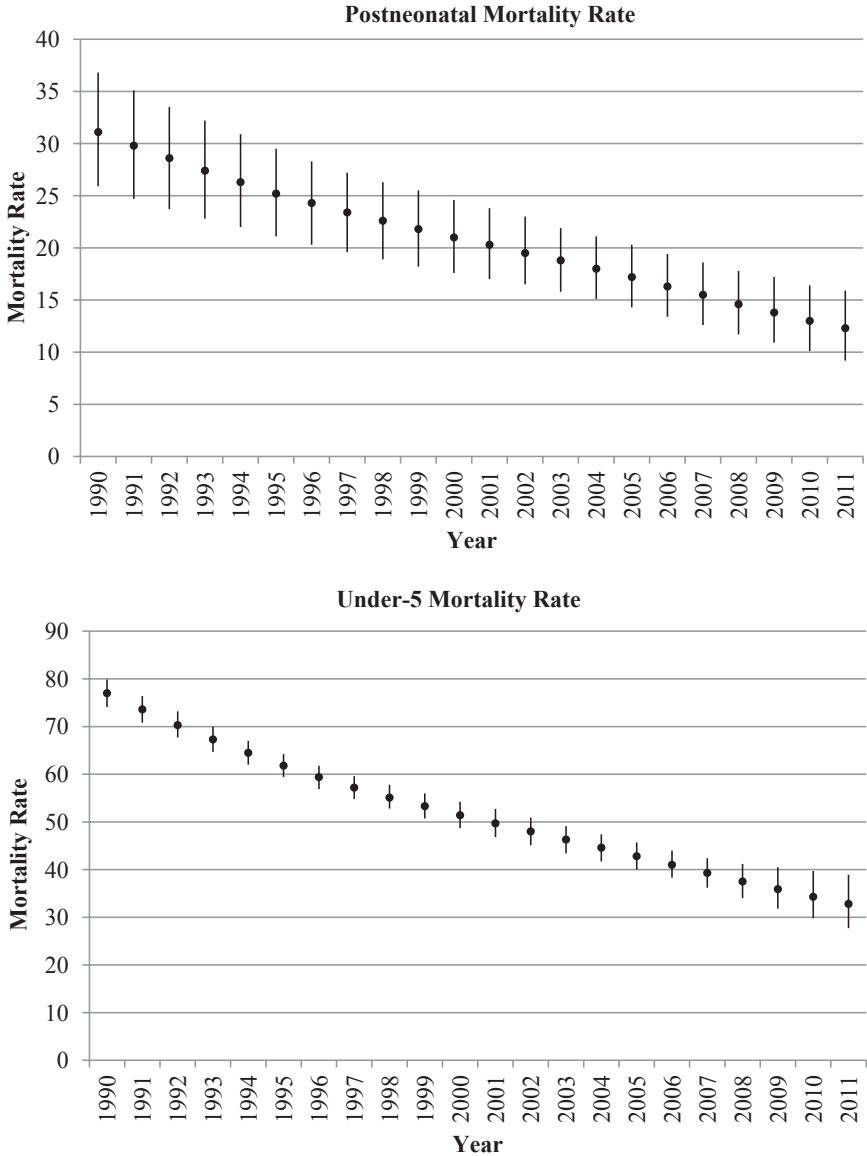
could not meet (Reilly 2009). The rule of law was weak, and existing resources were insufficient to strengthen it.

Domestic support, however, only sufficed to enact a partial governance delegation agreement. Pressure mounted to create a commission that could investigate and prosecute independently of the Guatemalan government (Wirken 2011). As the 2003 election approached, the administration agreed to an initial delegation deal. The court, however, rejected it because prosecutorial power was sovereign under the constitution; even if it had been modified and ruled constitutional, it likely lacked sufficient domestic support to be ratified (Stein 2013; Wirken 2011). As the 2007 election approached, pressures mounted again. The government and the U.N. revised the deal to delegate joint rather than complete authority over prosecutions, and, this time, the courts, congress, and civilians approved of the commission (Azpuru 2011; Castresana-Fernandez 2011). The deal was constrained but, with the constraints, had input legitimacy.

The theory's implications in this case are the same for PNG, although the outcomes are easier to evaluate due to data availability. For complex tasks, especially restoring the rule of law, there is little evidence of effectiveness. The state faced policing limitations, but not at the level of civil war or collapse in this period (Goldstone et al. 2010), so the main measure is the homicide rate (Figure 6). An exogenous regional shock, namely, the escalating drug war beginning in 2006, could shift the curve, so Figure 6 presents comparisons for Guatemala, El Salvador, and Honduras. The three cases were initially similar: All had civil conflict, crime, and corruption, and all considered CICIG-like programs (Feiser 2010). Compared to these cases, which sees increases in crime after 2006, Guatemala's crime increases less initially and then decreases slightly.<sup>6</sup> However, there is no noticeable break after 2007, over time or comparatively, so it is difficult to identify a definitive effect of the intervention.<sup>7</sup> Broader measures of capacity, like infant and child mortality (Figure 7), show no change in the trends. The effect of CICIG's constraints is evident in the reform process: CICIG was mandated to propose policy reforms and legislation, but "all the final decisions were Guatemalan" (Castresana-Fernandez 2011), and many of its recommended institutional reforms and personnel changes were rejected (Castresana-Fernandez 2011; Hudson and Taylor 2010; Schieber 2010; Wirken 2011). CICIG, thus, has not had an effect on these complex tasks.

On a simpler task—convicting criminals, which requires less coordination—CICIG has had an effect. CICIG's selection rule is to take the high-profile cases that are otherwise unlikely to result in a conviction (Castresana-Fernandez 2011), so any selection effect should reduce the effectiveness. Measuring conviction rates in Guatemala is difficult because the government does not collect and systematically release all of the necessary data.<sup>8</sup> The available conviction rates are derived from the Public Ministry's reports for serious crimes, which should have had the highest

FIGURE 7  
Mortality Rates in Guatemala



conviction rates: “Crimes against life” in 2005 and murders in 2008 had 1.2 and 1.3% conviction rates, respectively, or 6.0 and 2.1% for all cases with charges (Alston 2007; Hudson and Taylor 2010). Estimates from other sources are also in the single digits (e.g., see Barrientos 2010; Bateson 2010;

Guoz 2007). In contrast, cases with CICIG as co-prosecutor, through the beginning of 2011, had a conviction rate of 63.6%,<sup>9</sup> and cases with CICIG as an investigator had a conviction rate of, conservatively, 20% (Castresana-Fernandez 2011; Pastor 2011/2). These conviction rates are much higher, even with noisy data.<sup>10</sup> CICIG thus has succeeded in these simple tasks but not in more complex tasks.

### Conclusions

Governance delegation agreements can accomplish both simple and complex tasks, depending on the level of delegation, in areas of limited statehood by substituting external actor capacity for host state capacity. This article builds on the idea that delegation deals—a highly institutionalized modality of sharing sovereignty through international treaties—ensure input legitimacy because they must be supported by sufficient domestic coalitions to ratify them, but, in exchange, they constrain external actor authority based on the host’s level of statehood. The stronger the host state, the more it can constrain the external actor’s authority: Full delegation deals assign authority above the host state, while partial delegation deals provide for authority alongside it. Delegation deals are rare, and, even when they occur, constraints are often imposed (as shown in Matanock 2013). This article argued that external actors receiving more authority—in addition to the institutionalization and input legitimacy inherent in these agreements—are better able to implement changes in host states by substituting for, rather than working within, that state’s structures, especially in complex tasks requiring extensive coordination.

The quantitative and qualitative evidence support the theory: Both types of delegation deals succeed in simple tasks, but only the substitution afforded by full governance delegation agreements succeeds in more complex tasks. The scope of this study is limited to the short term. Most delegation deals identified occurred recently—often in the last decade—so data are not yet available to assess long-term effectiveness. This article has assessed effectiveness as to whether the missions accomplish the simple and complex tasks that they undertake while active; the long-term effects remain uncertain. These findings reveal that, while active, governance improves through the substitution of external authority through delegation deals. As transnational concerns have intensified since 9/11, and coerced intervention has been proven costly, these agreements provide a compelling alternative for global powers interested in securing weak states.

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### Notes

1. I identified Chapter VI missions from U.N. mandates and existing sources (Doyle and Sambanis 2000; Fortna 2008). Fortna (2008) differs on Bosnia and Herzegovina, Liberia, and Tajikistan. I use the more inclusive coding; changing them produces the same relationship although it is not statistically significant ( $P$ -value = 0.17).
2. Interestingly, in consent-based Chapter VI missions—a more focused set than in Lake and Fariss (2014)—infant mortality is lower (with missing values imputed), although the effect is not statistically significant.
3. Data are not available before 2000.
4. Earlier, in 2000, under the threat of coup and civil war, the prime minister had also requested extensive external assistance, but Australia refused to share sovereignty, despite transnational threats, because, according to former foreign minister Alexander Downer and other anonymous Australian officials, “shooting wars” could be costly and difficult to resolve. The host state’s requests, then, occurred throughout the period of state failure (2000–2003), but Australia only reciprocated once active fighting abated.
5. This is the only year available, and it is not available for the other Melanesian states.
6. Reporting crime to state officials may be infrequent in all these cases, so I examined Latinobarómetro self-reported victimization data, and there is less difference in that measure.
7. Additionally, examining the expected intermediary step in effectiveness—confidence in the police and judiciary—shows even less support. In Latinobarómetro data from 2004 to 2009, nonconfidence in the police and the judiciary increases after CICIG and is often worst in Guatemala.
8. Most measures divide the convictions in a given year by the crimes reported that same year, but panel data tracking the cases over time would be more accurate. Also, reported crime is likely lower than actual crime because of security sector corruption, so impunity is likely even higher.
9. CICIG was a co-prosecutor on 11 cases with seven convictions in the years reported.
10. The desired data would be on (1) cases that CICIG was requested but refused to take, and (2) cases that CICIG requested but was refused because these would be the best comparison.

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