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## Sharing Sovereignty: Building Democracy by External Intervention

In recent years international practices of external intervention in the domestic affairs of a state have profoundly changed. Since the end of the Cold War, both states and international organizations (IO) have undertaken several interventions in areas of crisis. From the war in Iraq in 1991 to the military intervention in Libya in 2011, the United States and its allies have intervened on a global scale. Similarly, in the 90s the UN, NATO and the EU entered a phase of growing commitment to end intra-state conflicts. NATO undertook its first ever military missions starting in 1995 in Bosnia. Since 1990 the number of UN peacekeeping operations has grown in an unprecedented way – moving from the 18 missions during the Cold War to the 50 in the following 20 years.

The change has not only affected the quantitative dimension of the post-bipolar way of intervention, but – most significantly – has also reshaped the form of international intervention. On the one hand, recent IO missions have marked a break with the idea of traditional peacekeeping: the UN, NATO and EU operations are not just interested in keeping the peace but are increasingly involved in the internal affairs of the target-state, rebuilding its institutions, shaping its constitutional design, fostering economic recovery and social inclusion. On the other hand, states intervene multilaterally with political – not just military – aims. As a result, military interventions also – such as those initiated by NATO – inevitably have a civilian component.

Interference in the political affairs of the target-state, even many years after the end of the conflict, brings about a prolonged international presence. In turn, an active international presence in a formally independent country establishes a *shared sovereignty*, in which both international officials and local political leaders are in charge. The idea presented in the paper is that the source of the shared sovereignty is the goal of democratization. IOs and Western states are committed to fostering democratic institutions in the countries where they intervene and are motivated by democratic ideals. This

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### Abstract

This analysis suggests the idea that shared sovereignty and neo-trusteeships are the result of the paradoxes entailed by the promotion of democracy by external intervention. The goal of democratization and the democratic attitude of recent international interventions lead to some contradictory principles, particularly between the respect of self-determination and external control and between temporary engagement and protracted international interference.

These contradictions affect the international administrators' activities in the target-country. While they tend to concede powers to local political leaders in the light of the self-determination principle, they hold some essential power in order to foster the transition to democracy. While they are inclined to give back full independence, their prolonged presence is required to guarantee the process of democratization. The result is a balance between international and local power prerogatives which ends up in a *de facto* shared-sovereignty.

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democratic inclination, at the operational level, leads to contradictory decisions and procedures. Indeed, international officials are interested in recognizing (democratically) the independence and self-determination of the locals. Similarly, they refuse any practice resembling external control or imperial domination. But, at the same time, their inherent interest in the democratization of the country requires some form of control over local politics, domestic decision-making and constitutional design.

In order to clarify how the paradoxes introduced by the goal of democratization are conducive to shared sovereignty, the paper is organized as follows. The first section describes the recent type of international intervention and the democratization goal it embraces. In the second and third sections the paper will focus on how the contradictory initiatives fostered by the democratization bring about shared sovereignty.

### **International intervention and democratization**

Since the end of the Cold War, the forms of international intervention have profoundly changed. This is mainly due to two tendencies. In the first place, the international redistribution of power in favor of the United States and its allies, which brought about an unprecedented position of democracy in the international arena. In the second place, new security threats – civil conflicts, terrorism, failed states, and the proliferation of weapons of mass destruction (WMD) – have increasingly required international intervention since they are essentially rooted in the domestic affairs of states.

The role of democratic states and the democratic culture in the current international system have affected several aspects of international life and, accordingly, have changed the nature of international intervention. To a certain extent we can define the post-Cold War interventions – from the mission in Iraq in 1991 to the operation in Libya in 2011 – as cases of *democratic* intervention since they are characterized by three recurring features<sup>1</sup>. They are basically conducted by democracies (i.e. the US and its allies), they are justified in the light of democratic principles (i.e. human rights protection), and they are aimed at the democratization of the target country.

At the same time, the security threats emerging after the bipolar/nuclear confrontation require a growing involvement in states' internal jurisdiction. The center of the new security concern is state failure, since almost all types of threat are directly or in some way associated with a failed state<sup>2</sup>. Indeed, civil conflicts, the proliferation of WMD, terrorist organizations' activities and illegal traffic of arms occur with more probability where central government and territorial control are weak or missing.

In the face of these security threats, state-building projects have become the cornerstone of any external intervention. Since the only way to avoid relapse into conflict, resumption of terrorist activities or prosecution of undetected arms trafficking is to build a functional governance in the target-country, state-building has become an essential part of any international intervention<sup>3</sup>.

The combined result of the importance gained by state-building and the role played by democratic regimes in the current international system has been the emergence of the democratization goal as the legitimate aim of external intervention. Indeed, democratization – at least from a Western

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<sup>1</sup> Almost all international interventions in the post-Cold War period present the same common features: Iraq 1991, Somalia 1992, Haiti 1994, Bosnia 1995, Kosovo 1999, Timor East 1999, Afghanistan 2001, Iraq 2003, Libya 2011.

<sup>2</sup> F. FUKUYAMA, *State-building. Governance and World Order in the 21st Century*, Ithaca NY, Cornell University Press, 2004.

<sup>3</sup> M. IGNATIEFF, *State Failure and Nation-Building*, in J.L. HOLZGREFE - R.O. KEOHANE (Ed.), *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*, Cambridge, Cambridge University Press, 2003, pp. 299-321.

perspective – is understood to be the most functional and desirable strategy of peace-building<sup>4</sup>. According to this view, promoting democratic governance in a war-torn society is the best solution for redressing the root causes of violent conflict. First of all, according to the Democratic Peace Theory, democracies seem less prone to wage war on each other<sup>5</sup>. Secondly, democratic regimes are pluralistic, representative of the people's will and they respect minorities, therefore they are less exposed to the risk of internal violent conflict<sup>6</sup>. Furthermore, thanks to its procedural and institutional devices, democracy is supposed to be a form of governance able to resolve social conflicts in a peaceful manner. In short, the building of democratic societies seems to offer a guarantee of sustainable peace.

### Sharing sovereignty (I): Control vs. Self-determination

To promote democratic governance in a war-torn country, the international community (IC) needs to assist state-building, in some cases just by supervising the local political process of stabilization (as with the UN mission in Cambodia, UNTAC – *United Nations Transitional Authority in Cambodia*) while in others by taking direct control through a full international administration (as in Kosovo or East Timor– UNMIK *United Nations Interim Administration Mission in Kosovo* and UNTAET *United Nations Transitional Administration in East Timor*)<sup>7</sup>. As Stephen Krasner noted,

«better domestic governance in badly governed, failed, and occupied polities will require the transcendence of accepted rules, including the creation of a shared sovereignty in specific areas. In some cases, decent governance may require some new form of trusteeship, almost certainly *de facto* rather than *de jure*».<sup>8</sup>

In other words, the promotion of democracy requires unprecedented *post-conflict* missions. They tend to build not just a *negative peace* – i.e. the absence of violent conflict – as traditional peace-keeping missions did, but a *positive peace* – i.e. inclusive of justice, equity and democratic governance<sup>9</sup>. As a result, international administrations and peace-building missions take the form of neo-trusteeships in which international officials exercise full, or almost full, authority in the target-state<sup>10</sup>.

In this new international approach to promoting democracy by external intervention there lies an essential paradox. In fact, exercising strong international control over the domestic affairs of a state – in order to promote a democratic governance – violates other democratic principles, such as those of independence and self-determination<sup>11</sup>. These contradictions pose not just mere ethical or abstract dilemmas, they also affect the official international decisions in the field. Most of the time international mandates are vague and leave room for interpretation, so it is not clear whether or when international administrators have to oppose or accept local political decisions if they

<sup>4</sup> M.M. BROWN, *Democratic Governance: Towards a Framework for Sustainable Peace*, in «Global Governance», 9, 2, 2003, pp. 141-146; C.T. CALL - E.M. COUSENS, *Ending Wars and Building Peace: International Responses to War-Torn Societies*, in «International Studies Perspectives», vol. 9, no. 1, 2008, pp. 1-21.

<sup>5</sup> B. RUSSETT, *Grasping the Democratic Peace*, Princeton N.J., Princeton University Press, 1993.

<sup>6</sup> J. LEININGER, *Democracy and UN Peace-Keeping - Conflict Resolution through State-Building and Democracy Promotion in Haiti*, in «Max Planck Yearbook of United Nations Law», vol. 10, no. 1, 2006, pp. 465-530.

<sup>7</sup> R. CAPLAN, *A New Trusteeship? International Administration of War-torn Territories*, *Apelphi Paper* 341, 2002, pp.13-17.

<sup>8</sup> S.D. KRASNER, *Sharing Sovereignty. New Institutions for Collapsed and Failing States*, in «International Security», vol. 29, no. 2, 2004, pp. 85-120, p. 85.

<sup>9</sup> C.T. CALL - E.M. COUSENS, *op. cit.*, p. 3.

<sup>10</sup> R. CAPLAN, *op. cit.*; J.D. FEARON - D.D. LAITIN, *Neotrusteeship and the Problem of Weak States*, in «International Security», vol. 28, no. 4, 2004, pp. 5-43.

<sup>11</sup> D. CHANDLER, *Back to the Future? The Limits of Neo-Wilsonian Ideals of Exporting Democracy*, in «Review of International Studies», vol. 32, no. 3, 2006, pp. 475-494.

contravene the democratization goal. And most of the time international administrators exceed their initial mandates to cover political stalemates, institutional deficiencies or a lack of skilled administrative personnel<sup>12</sup>.

The dilemma between “control” and “self-determination” is a consequence of the democratic approach to international intervention. On the one hand, democracies reject any similarity to colonial campaigns and occupations. So they refuse to exercise imperial severe control over other peoples against their will. On the other hand, the very goal of democratization requires some form of external control. Thus, intrusive interference in core political questions is needed at times, especially in fragmented societies. In the first case, we see the United States, its European allies, NATO and possibly the UN playing the role of a “reluctant imperialist”<sup>13</sup>, intervening militarily to end a conflict but without – necessarily – being interested in territorial expansion, occupation or colonial appropriation. In the second case, we see the actual international administrations in the field, that exercise full authority against a *de jure* sovereign and independent state. As Richard Caplan, in a broad analysis of recent UN international administrations, has shown,

«never before has a mission had to make and enforce local laws, exercise total fiscal management of a territory, appoint and remove public officials, create a central bank, establish and maintain customs services, regulate the local media, adjudicate rival property claims, run schools, regulate local businesses and reconstruct and operate all public utilities, among numerous other functions».<sup>14</sup>

The paradox generated by the goal of democratization, in turn, results in a shared-sovereignty. International administrators share the authority with local political leaders. On the one hand, the IC's representatives are inclined to empower the locals, to respect or encourage their self-determination. On the other hand, in order to preserve the transition to democracy in the target-country, international administrators retain essential power prerogatives.

### **Sharing sovereignty (II): Temporary vs. prolonged international presence**

The same democratic attitude to external intervention produces another paradox which is conducive to shared sovereignty. The paradox has to do with the length of time of the international presence. External interventions, particularly if they involve huge military missions, are supposed to be temporary because (from a democratic perspective) they should avoid ending up in military occupation or in the establishment of a colonial-like trusteeship. Since the essential goal is to promote good governance in an independent and sovereign state, the IC is interested in giving back the power to local political leaders. The briefness of the external interference is in itself a guarantee of the democratic character of the intervention. As Larry Diamond noted,

«All international post-conflict interventions to reconstruct a failed state on democratic foundations confront a fundamental contradiction. Their goal is, in large measure, democracy [...]. Yet their means are undemocratic – in essence, some form of imperial domination [...]. How can the circle be squared? Chesterman advises that when the United Nations and other international actors come “to exercise state-like functions, they must not lose sight of their limited mandate to hold that sovereign power in trust for the population that will ultimately claim it.” This requires a balancing of international trusteeship or imperial functions with a distinctly non-imperial attitude

<sup>12</sup> That is the case for instance of UNMIK in Kosovo, UNTAET in East Timor and the *Office of High Representative* (OHR) in Bosnia. See, for a comprehensive analysis S. CHESTERMAN, *You, The People. The United Nations, Transitional Administration, and State-Building*, Oxford, Oxford University Press, 2004.

<sup>13</sup> M. IGNATIEFF, *Empire Lite. Nation-building in Bosnia, Kosovo and Afghanistan*, London, Vintage, 2003.

<sup>14</sup> R. CAPLAN, *op. cit.*, p. 9.

and a clear and early specification of an acceptable timetable for the restoration of full sovereignty».<sup>15</sup>

However, transition to democracy is a long-term and open-ended process. Democratic governance requires a functioning state, the establishment of a sophisticated institutional framework, pluralism both in politics and society, and the development of a dynamic civil society. No one of these goals can be achieved in a short-term perspective. The more the target-state society is divided – e.g. in countries afflicted by protracted violent conflicts – the more building democracy is a demanding and long-lasting process.

Therefore, regarding the time dimension, the goal of democratization entails inconsistent incentives. While a democratic attitude to external intervention implies temporary involvement of the IC's representatives in the internal affairs of an independent state, in recent years international state-building missions have been long-lasting. Compared to the temporary nature of international interventions before the end of the Cold War, current international operations seem to be much more longer<sup>16</sup>.

This inconsistency has practical effects on international officials' activities in the field. On the one hand, they tend to empower the local representatives, announcing deadlines for international withdrawal and, more generally, they are inclined to plan temporary mandates. On the other hand, the goal of democratization binds them to protracted international interference in the domestic affairs of the states. Indeed, international mandates are constantly renewed.

For instance, the NATO mission in Bosnia in 1996 (after the Dayton Agreement) had an initial mandate of 6 months, which was constantly renewed until 2004 when the European Union EUFOR mission replaced it<sup>17</sup>. Similarly, the UN mission in Kosovo in 1999 (after the NATO air campaign) had an initial mandate of one year but is still present in the country in 2012, despite the expectations that the UN and NATO missions (UNMIK and KFOR – NATO Kosovo Force) could have come to an end after independence<sup>18</sup>. UNTAET and the subsequent United Nations missions in East Timor present a similar story<sup>19</sup>. The intervention in Afghanistan has followed a comparable evolution. In 2002, when the US-led mission *Enduring Freedom* defeated the Taliban and entered Kabul, the international task seemed to have been accomplished, but the military challenge of the Taliban insurgency and the civilian aim of democratizing the country required a more prolonged international engagement<sup>20</sup>. More recently, it is worth noting that the IC is still sending contradictory messages to Afghanistan, and the NATO plan of withdrawal – based mainly on domestic pressure from NATO countries rather than on a genuine analysis of what is going on in the country<sup>21</sup> – clashes with the promises of a persisting international commitment.

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<sup>15</sup> L. DIAMOND, *Building Democracy After Conflict. Lessons from Iraq*, in «Journal of Democracy», vol. 16, no. 1, 2005, pp. 9-23, p. 16; see also S. CHESTERMAN, *op. cit.*

<sup>16</sup> A. CARATI, *L'intervento militare democratico*, Milano, Franco Angeli 2010; J.H. LEURDIJK, *Intervention in International Politics*, Leeuwarden, Eisma Publishers, 1986; R.J. VINCENT, *Nonintervention and International Order*, Princeton NJ, Princeton University Press, 1974.

<sup>17</sup> Dayton Peace Agreement. The General Framework Agreement for Peace in Bosnia and Herzegovina, [http://www.ohr.int/dpa/default.asp?content\\_id=380](http://www.ohr.int/dpa/default.asp?content_id=380); D. CHANDLER, *Bosnia. Faking Democracy after Dayton*, London, Pluto Press, 2000; ICG, *Ensuring Bosnia's Future: A New International Engagement Strategy*, International Crisis Group – Europe Report No. 180, 2007.

<sup>18</sup> UN Security Council Resolution 1244 (1999). See also the official mission website: <http://www.unmikonline.org/pages/default.aspx>.

<sup>19</sup> UN Security Council Resolution 1272 (1999). See also the official mission website: <http://www.un.org/en/peacekeeping/missions/past/etimor/etimor.htm>.

<sup>20</sup> ICG, *Afghanistan: The Need for International Resolve*, International Crisis Group – Asia Report No. 145, 2008.

<sup>21</sup> AA.VV., *L'Afghanistan e il progressivo ritiro delle forze internazionali*, ISPI Study, July 2011.



As a consequence, the political processes in the target-country – from decision-making to institutional reforms – are carried out in part by international administrators and in part by local representatives. While the temporary nature of the international engagement urges the immediate concession of authority to the locals, the very goal of democratization pushes in the opposite direction – i.e. to keep international control over the political stabilization. In this case also, the result is power-sharing, something in-between independence and international trusteeship where locals and internationals share ‘domestic’ sovereignty of the country<sup>22</sup>.

## Conclusion

Summing up, this paper suggests the idea that shared sovereignty and new forms of trusteeship are basically the result of democratization paradoxes. According to this view, the goal of democratization and the democratic attitude of recent international interventions entail some contradictory principles: respect of self-determination vs. external control, independence vs. neo-trusteeship, temporary engagement vs. protracted international interference, and restoration of full sovereignty vs. international pervasive influence.

These contradictions have effects on the international administrators’ activities in the target-country. While they tend to concede powers to local political leaders in the light of the self-determination principle, they hold some essential power in order to foster the transition to democracy. While they are inclined to leave the country as soon as they can to give back full independence, their prolonged presence is required to guarantee the process of democratization. The result is a balance between international and local prerogatives which ends up in a “gradation of sovereignty” – as Robert Keohane named it<sup>23</sup>.

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<sup>22</sup> R. KEOHANE, *Political Authority After Intervention: Gradations in Sovereignty*, in J.L. HOLZGREFE - R.O. KEOHANE (Ed.), *op. cit.*, pp. 275-298.

<sup>23</sup> *Ibidem*, p. 286-292.