Putting State Legitimacy at the Center of Foreign Operations and Assistance

BY BRUCE GILLEY

I t is a commonly expressed idea that a key goal of intervention in and assistance to foreign nations is to establish (or re-establish) legitimate political authority. Historically, even so great a skeptic as John Stuart Mill allowed that intervention could be justified if it were "for the good of the people themselves" as measured by their willingness to support and defend the results.[1] In recent times, President George W. Bush justified his post-war emphasis on democracy-building in Iraq, Afghanistan, and elsewhere in the Middle East with the logic that "nations in the region will have greater stability because governments will have greater legitimacy."[2] President Obama applauded French intervention in Mali for its ability "to reaffirm democracy and legitimacy and an effective government" in the country.[3]

The experiences of Western-led state reconstruction in Cambodia, Kosovo, Afghanistan, and Iraq among other places have been characterized by a belated recognition of the legitimacy imperative. In contemporary debates on a wide range of foreign intervention and assistance operations, legitimacy has come to occupy a central place in discussions of the domestic agenda of rebuilding that follows the external agenda that drives the initial intervention – stopping genocide, toppling a dictator, saving the starving, or establishing a transitional authority.

Today, we take the rebuilding of domestic legitimacy so much for granted in our assumptions about foreign intervention and assistance that we often hurry onto the details. But it is worth pondering the question of legitimacy as an explicit aim of any foreign operation – military, economic, or civil – rather than one that we assume will automatically follow from doing a range of good deeds. What is legitimacy and why does it matter? Where does it come from and how is it regenerated over time? How could a foreign intervention improve the chances of it and how would we know if it was working? What particular strategies, management approaches, organizational tools, and policy instruments could an intervening party adopt in order to facilitate this aim?

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Following a brief summary of general findings on legitimacy, this article looks at how the legitimacy imperative has been variously articulated and integrated into the foreign operations of the U.S. military, international organizations including the United Nations, and various humanitarian organizations. It then asks what a "legitimacy strategy" would look like in assisting fragile states, post-conflict societies, and underdeveloped nations. This is addressed first at the policy level and then at the organizational level. Finally, these lessons are applied retrospectively to the American-led reconstruction effort in Iraq, identifying the challenges as well as successes and failures of that period.

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Legitimacy in Theory

Legitimacy is the right to rule. It is an acceptance by citizens that the political institutions and leaders who wield sovereign power over them have gained that power and are using it in a way that is consistent with the rules, laws, ethics, norms, and values of the political community, and enjoy their explicit consent.[4] Legitimacy provides the state with a moral right to impose duties and expect compliance. A legitimate state is not necessarily a just one. But it is one where the struggle for justice takes place within the confines of a widely accepted institutional framework. A state that has lost legitimacy usually depends heavily on brute repression and faces resistance from large segments of the population.

In datasets that measure state legitimacy for a large number of countries circa 2002 and circa 2008, there is a clear relationship between low legitimacy and a range of bad consequences; regime instability, state decay, and some types of internal conflict.[5] By contrast, in states where legitimate political authority has been re-established – Uganda after 1986, Cambodia after 1991 – regimes gain resilience, internal conflict declines, and state capacity grows.

In short, there are good reasons to have a "state legitimacy strategy" at the heart of any foreign operation. Without rebuilding legitimacy, other aims like state capacity, development, security, and effective counter-terrorism are nearly impossible.[6] The "security gap" or "capacity gap" can only be solved by filling in the "legitimacy gap."[7] Barakat and colleagues[8] argue that the failure of foreign actors to adopt a legitimacy-centered domestic agenda is the most common cause of mission failure.

What causes legitimacy? Using statistical and case study methods, three universal drivers can be identified: democracy, good governance, and sustained development.[9] However these universal performance factors may not operate in every context and can explain only about half of the legitimacy of a typical state. Local factors like traditional symbols, charismatic leaders, the harmony of political community, nationalism, indigenous institutions, and historical memory explain the other half, on average. In some places, they are far more important.

Why does legitimacy matter? Legitimacy is driven by performance of various sorts, but it also makes performance possible. Rising legitimacy makes it easier for states to deliver the

outputs that people want because the state can act with greater effectiveness. By contrast, legitimation crises are characterized by a death spiral in which falling legitimacy worsens performance, which in turn exacerbates the legitimacy crisis.

Legitimacy is a point-in-time stock that can be drawn upon in times of challenge. But it also needs to be constantly replenished through positive legitimation flows. The authoritarian regimes of Marcos, Mubarak, and Mugabe might have enjoyed a certain level of legitimacy in their early days, but all three failed to keep pace with changes in their societies. The protracted political crises that resulted followed a long process of de-legitimation of the regimes and states. For all political communities, sustaining the legitimacy of the state over time depends on systems that constantly incorporate social feedback into governance processes and monitor and evaluate legitimacy itself.

The Rise of the Legitimacy Agenda

The importance of putting state legitimacy – rather than governance, democracy, or development – at the center of foreign intervention and assistance is often assumed but has only recently been articulated in the international community.

By far the most explicit focus on legitimacy is found in the doctrines and manuals of the U.S. military, based on learning in Afghanistan and Iraq. The U.S. Army's *Field Manual 3-24: Counterinsurgency* (FM 3-24) makes this plain with a section entitled, "Legitimacy Is the Main Objective," and a total of 134 references to the concept.[10] The U.S. army's *Field Manual 3-07: Stability Operations* (FM 3-07)[11] also gives legitimacy a prominent role, referencing the concept 78 times, as does

the *Army Doctrine Reference Publication 3-07: Stability*[12] (ADRP 3-07) (104 references). More recently, *Army Techniques Publication 3-57.10: Civil Affairs Support to Populace and Resources Control* (ATP 3-57.10) argues that, "When U.S. forces are deployed in support of a host nation, the sovereignty of the legitimate government to govern over the people and resources within its borders is upheld and strengthened by the U.S."[13]

Since these documents aim to sensitize and direct ground-level soldiers, they can be excused for a lack of elegance in elaborating what precisely it means to make legitimacy "the main objective." FM 3-24, for instance, offers a barrage of "indicators" of legitimacy that conflate definitions of legitimacy ("A high level of regime acceptance by major social institutions"), with its causes ("A culturally acceptable level and rate of political, economic, and social development") and consequences ("A high level of popular participation in or support for political processes").[14] FM 3-07 and ADRP 3-07, although they do not highlight legitimacy as "the main objective," do better in putting legitimacy as the central concern in advising soldiers how to rebuild security forces, how to train a civil service, how to launch development, and how to create a legal system. ATP 3-57.10, meanwhile, never addresses the question of how soldiers should support population and resource control measures in a way that will uphold and strengthen a legitimate government. In all four publications, legitimacy jostles with other objectives. Thus ADRP 3-07 notes, "Stability operations aim to establish conditions that support the transition to legitimate host-nation governance, a functioning civil society, and a viable market economy."[15]

As with U.S. military doctrine, other international actors have increasingly recognized the legitimacy imperative and yet left it weakly operationalized. Across the United Nations system, legitimacy has risen as a guiding principle of action. The UN's 2008 capstone document on peacekeeping operations makes legitimacy central to the domestic agenda that follows the initial international agenda of establishing security. Peacekeeping (or peacebuilding), it says, should operate by "supporting the emergence of legitimate political institutions and participatory processes."[16] More recently, the UN system has begun to reorient its developmental assistance operations around the concept of "national ownership." This concept means that once a minimal degree of security is established, any intervention should respond to national (both state and society) needs *as explicitly articulated by those actors*. This represents a fundamental redirection from the "good governance" agenda that dominated the UN throughout the 1990s. As one UN report puts it, "A fundamental challenge faced by the organization is how to address situations when national ownership is exercised in ways that directly conflict with [good governance] norms."[17]

More broadly, the development assistance community, including the OECD's Development Assistance Committee (DAC), has recognized that aid effectiveness depends on responding to nationally-articulated needs. The New Deal for Engagement in Fragile States announced by a broad coalition of major countries, donors, and international organizations in 2011 makes "legitimate politics" (defined as "trust in state institutions and among people") the first of the five "peacebuilding and state-building goals."[18] Taking up this theme, the Busan principles of 2011 stated that "partnerships for development can only succeed if they are led by developing countries, implementing approaches that are tailored to country-specific situations and needs," and thus foreign actors should "extend and operationalize the democratic ownership of development policies and processes."[19] Donors should "minimize their use of additional frameworks, refraining from requesting the introduction of performance indicators that are not consistent with countries' national development strategies." Good governance is out. Legitimacy is in.

Still, it is easy to overstate the degree of consensus on legitimacy as the key goal of foreign intervention and assistance. For instance, a widely-cited document in U.S. policy circles is the RAND Corporation's flippantly-titled *Beginners Guide to Nation-Building* published in 2007. The overarching principle espoused by this report is "leaving behind a society at peace with itself." But the report operationalizes that in terms of "transforming," "refashioning," and "reordering" the host nation.[20] Successful interventions "de-construct" rather than "co-opt" the societies they engage, it says, and the amount of de-construction is limited only by the resources available (i.e. the more the better). The specific rank-ordered tasks for de-constructors are given stipulatively as security, humanitarian relief, governance, economic stabilization, democratization, and development. While the report occasionally mentions the importance of local legitimacy in achieving these goals, the tone and focus is almost entirely on how foreign actors can impose changes with the *Beginners Guide* in hand. "The more sweeping an intervening authority's objectives," it notes, "the more resistance its efforts are likely to inspire. Resistance can be overcome, but only through the application of

personnel and money employed wisely over extended periods of time."[21]

The concept of legitimacy as the main aim of foreign intervention and assistance is rising on the international public policy agenda, but it remains contested, competing with other goals. Even where there is a consensus on its pre-eminence, the operationalization of this policy advice remains weak. What would it mean for the international community to develop a *Field Manual on Legitimacy Operations?*

What? How? Whether?

The first question that faces any legitimacy-based intervention is how quickly to shift from the initial external agenda (stopping killing, saving the dying, etc.) to the long-term internal agenda of re-legitimating the political order. Richmond states, "Whether autonomy, agency and ownership can be deferred in the interest of order, or in the interest of cosmopolitan values, is a key political question in most post-conflict sites."[22] Although it is not helpful to stipulate time frames, the transition to "autonomy, agency, and ownership" needs to happen quickly if any mission is to succeed, probably far more quickly than most planners are comfortable with. Once very basic security, subsistence, and administration are established, foreign actors need to refrain from the *Beginner's Guide* enthusiasms to misuse the "golden moment" of their initial welcome by marching ahead with a laundry list of externally-stipulated agenda items.

Making the re-legitimation of political order the main objective means being realistic about what can be achieved. Foreign actors are most likely to find themselves trying to create legitimacy in the most dire situations (postwar Germany and Japan are not useful case studies for this reason), where the legitimacy of the state is in tatters and social, economic, security, and environmental crises abound. Critics of any intervention will find ample evidence of "failure" unless realistic expectations are set. Mounting criticisms can lead to a decline in foreign efforts or a re-imposition of external agendas or both. This in turn makes the mission more likely to fail. A forecast of the "costs" of any foreign involvement should include the costs of making a difference in a difficult setting and of staying the course even when support on the home front wavers. Bosnia's contemporary political problems in

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part arose from such malign dynamics on the part of external actors beginning in 1995.[23]

This matters because it is the legitimacy of the domestic state and its political order, not the legitimacy of the intervention or intervening parties, that is at stake. Oddly, the two are often conflated. While it is preferable if foreign actors enjoy *some* degree of moral credibility, they will never establish any moral right to rule another society.[24] Public opinion invariably turns against international actors, no matter how benign, if only because their presence is always an embarrassment to the host nation. A decline in domestic support for foreign actors tells us nothing about whether the foreign intervention is working. Indeed, it may signal a shift in dependency relations away from foreign actors and towards the domestic state, an advance for the legitimacy goal.

Having turned towards a well-defined and realistic legitimacy objective, the three key

questions to be asked are; what local legitimacy requires? how to achieve it? and whether it is working?

Taking legitimacy seriously means ensuring that missions respond to citizen needs and demands *as articulated by them*. Translating this mission-level imperative into policy-level plans (not to mention ground-level organizational and instrumental actions) is challenging because of the difficulty of understanding local legitimacy sources. As Wiechnik puts it, "Planners must understand the various types of political legitimacy. They should learn how to identify the form of legitimacy the population prefers. If there is an insurgency, we must determine which form(s) of legitimacy the insurgency is using."[25]

In other words, foreign actors need to check and recalibrate their enthusiasm for goals like security, democracy, the rule of law, anti-corruption, and state capacity-building (of which more below) if they take legitimacy seriously. As Roberts asks, "International peace-builders sustain liberal edifices but not populations; why, then, would we expect such populations to legitimate, support, and respect the new institutions of state if they do not serve pressing need?"[26] FM 3-24 is commendably astute on this point; "Commanders and staffs determine what the [host nation] population defines as effective and legitimate governance. This understanding continues to evolve as information is developed. Commanders and staffs must continually diagnose what they understand legitimacy to mean to the [host nation] population. The population's expectations will influence all ensuing operations."[27]

Most important, the crafting of sovereign executive and legislative institutions that can be the voice of the host-nation population needs to be done early on. In East Timor, the UN authority under Sergio Vieira de Mello realized this in 2000 when it appointed a National Council with legislative power alongside a Cabinet with which the UN shared executive power.[28] National ownership requires a national voice with sovereign or near-sovereign power. It is this sovereign whose legitimacy then becomes the mission objective.

In interpreting host nation demands, an important distinction arises between particularistic demands expressed by different social groups (what the UN calls "local ownership") and common good demands expressed by state actors, including elected national parties (what the UN calls "national ownership"). In general, foreign actors should respond to the latter not the former. Foreign actors are not local politicians. Their role is to re-establish a legitimate state structure within which future politicians can respond to particularistic demands appropriately. Acceding to particularistic demands such as the use of customary law in Afghanistan[29] or the mobilization of non-state security forces in Africa[30] has in both cases contributed to the *worsening* of state legitimacy because these demands have come from narrow rather than broad constituencies. In other cases, such as East Timor, customary law was demanded by national leaders and was thus legitimating when introduced by the UN mission under a dual court system.

The psychological process of legitimation occurs when state performance creates objective social conditions in which positive subjective attitudes arise and are then extended to the state.[31] The question to be constantly asked is what sorts of domestically-articulated demands will, when fulfilled, create the objective social conditions that encourage positive subjective attitudes (sense of well-being, safety,

pride, dignity, etc.) and thus legitimacy. Simply "doing what people say they want" will not necessarily generate legitimacy. "Statesmanship" is not the same thing as "responsiveness."

As to how to proceed, foreign actors need to remind themselves that in a legitimacy crisis, the only way to escape the social trap is for policies to be pursued through what I have elsewhere[32] termed "state trusting society" initiatives. Whatever nationally-articulated goals have been agreed upon as the focal point of foreign assistance, these can be achieved in a legitimating fashion only by first devolving a certain measure of authority to broadly representative social actors and charging *them* with creating legitimate authority from the ground up. This means temporarily weakening the state and refraining from "doing something"

from the top. It is the only way to escape from the trap of low legitimacy/low performance/low stateness.[33]

FM 3-24, for instance, suggests that counterinsurgency can succeed when foreign soldiers do small things like clearing trash from the streets, digging wells, and building schools. But having occupiers do this does not generate legitimacy, only gratitude (maybe). Small everyday operations need to be done by and through local groups and nascent state institutions. Foreign operations should focus on recreating the state through ground-level councils that deliver everyday goods and boost their legitimacy (not the legitimacy of the foreign actors) in the process. The state needs to be rescued from the bottom up.

Finally, every foreign operation needs to constantly measure whether legitimacy is

Commanding Officer Provincial Reconstruction Team Khost, U.S. Navy Cmdr. David Adams and the Governor of Afghanistan's Khowst province, Arsala Jamal, cut the ribbon before laying the corner stone for Freedom High School in Musa Khel.

improving. Legitimacy measurement is complicated in the best of times. In countries that have need of foreign assistance, these challenges will be multiplied. Barakat and colleagues suggest beginning with a set of domestically-measured values (return to normalcy, restorative justice, religious expression, etc.) as the basis for measuring whether a mission is aiding with legitimation (the more it is helping the state to fulfill those values, the more it is succeeding). They also suggest that legitimacy measures should put greater weight on the views of key political actors (the military, a particular ethnic minority, key economic actors, etc.) rather than weighting each citizen's views equally. Berg, meanwhile, has suggested a strategy of measuring the legitimacy of the state compared to its major rivals to see whether prospects for peace are improving or

falling, taking Cyprus, Moldova, and Bosnia-Herzegovina as examples.[34]

Whatever the methods chosen, the resulting data should be used to constantly adjust and rethink ground-level policies: "[L]egitimacy must be sought strategically through a process of statecraft, which not only pursues broad legitimacy but which considers how legitimacy will be perceived (or awarded to the state) by differing interest groups, demographic segments and populations in the aftermath of conflict."[35]

Security, Democracy, and Development

With those general principles in mind, what does this mean for how foreign actors support the host-nation state in delivering security, democracy, and development? From a legitimacy-based perspective, these things are

U.S. Soldiers unload humanitarian aid for distribution to the town of Rajan Kala, Afghanistan Dec. 5, 2009.

conceptual categories that draw our attention to certain types of human needs but which are largely empty of substantive content until it is articulated by the host-nation population itself. We can safely assume that most populations will demand some measure of each. But we cannot act until we know the details.

In the case of security, for instance, once any external security agenda has been achieved, it is imperative that the security lobby within any foreign mission should "stand down" until the local security agenda can be understood and integrated into the overall mission. The rebuilding of police forces in Mexico[36] and of the military in Lebanon[37] were successful only through policies that paid attention to bottom-up legitimacy and representation. The key is not to abandon security issues, but to subsume them within the legitimacy goal, which has important implications for how security is achieved.

The same is true of democracy. The conceptual challenge of making the host-nation population the master in its own house on the basis of political equality must be approached from the bottom-up. In post-conflict settings, participation in formal electoral processes may be less legitimating than personal involvement in government decision-making.[38] This meshes with emerging democratic practice in long-established democracies, where the legitimating effects of democracy increasingly depend less on elections than on various forms of "collaborative governance" through which citizens exercise political power. Intervening actors should be ready for the possibility that national ownership will demand citizen empowerment rather than national elections.

The re-legitimation of the Cambodian state by the UN transitional administration, for instance, has been seen by liberal critics as evidence of mission failure since the legitimate state they left behind was not a liberal one.[39] But adopting high liberal principles of intervention (Teson for instance argues that "the liberal conception of state legitimacy will guide the correct behavior by the intervener"[40]) will often undermine state legitimacy and thus lead to far worse outcomes than a lack of robust democratic freedoms. In Uganda, the delay and careful structuring of democracy was an important aspect of the successful re-legitimation of the state from 1986 to 2005, even if the U.S. took flak from liberal critics for accepting this reality and supporting the Museveni regime.[41]

In this and other cases, democracy must be supported only in ways that re-legitimate the state. Oddly, the *Beginners Guide* provides some sound advice on this point, probably because of an aversion to democracy among the "realists" of the international relations community. Rather than "de-construction," the *Beginners Guide* advocates "co-optation;" "The perceived legitimacy of the regime is an important determinant of whether democratization will be successful. The imposition of a government by an intervening authority may result in its eventual overthrow if it is not viewed as legitimate over the long run. A government viewed as illegitimate by the population is a major obstacle to democratization no matter how fairly elected." Still, delaying democracy may be wrong in other cases. In the Philippines and South Africa, foreign support for a rapid shift to democracy was essential to state re-legitimation.

A UN "guidance note" on democracy promotion urges that "local norms and practices must be taken into consideration…to the extent possible" while pursuing "internationally agreed norms and principles."[43] A better

phrasing would be that internationally agreed norms and principles should be taken into consideration to the extent possible while promoting local norms and practices. This is not to renege on international norms and principles, but to recognize that they have emerged as such from decades of struggles by billions of global citizens and will only endure in host-nations where they emerge in similar fashion.

Supporting development is the trickiest task because the global aid community is generally not concerned with state re-legitimation. This was vividly brought into focus in 2013 in the public feud that broke out between USAID and the Special Inspector General for Afghanistan Reconstruction (SIGAR) in which both parties competed to demonstrate which was more strongly committed to by-passing the state's health ministry.[44] The point should be obvious: any foreign program that bypasses the state (beyond that needed to jump-start bottom-up legitimation processes) will render the state weak and illegitimate, which will prolong the crisis that required foreign intervention in the first place.

The failure of massive NGO-led development in the early years in Afghanistan led to an abrupt reversal and a new focus on community-led development. This was the sort of "state trusting society" initiative that is needed.[45] As Barakat el al put it, "By allowing communities to take the lead in their own development, the state won legitimacy."[46] The National Solidarity Program (NSP) created 22,000 community development councils (CDCs) and fostered economic recovery through the provision of community grants. "In the NSP, one can see not only productive and mutually supportive collaboration between various governmental and non-governmental institutions alongside the

international community but also the purposeful intent to deliver legitimacy to the Afghan state."[47]

Seeing the NSP as a compact between donors and society – "local ownership" rather than "national ownership" – ignores the important political payoffs of entwining the state in its design. The Ministry for Rural Rehabilitation and Development as well as the Ministry of Health needed to be integrated into it - not kept on the sidelines. Bypassing them because they are corrupt or ineffective is to prolong the central problem. A key aspect of the "statecraft of development" is to manage the transition from initial bottom-up community-led efforts towards a more centrally-led effort overseen (and "owned") by national institutions. Again Baraket and colleagues: "Context and implementation are, thus, the key variables in determining whether pro-legitimacy development will, in effect, promote or undermine legitimacy and stability."[48]

It is in this light that corruption must be understood. Pious external agendas that spurn corruption are likely to be at odds with internal agendas where corruption may play a positive role in improving equity, broadening support, and spurring development. While most evidence supports the conclusion that corruption is bad for economic growth,[49] the effects of corruption on state legitimacy are much more uncertain in fragile post-conflict states. In some cases – Cambodia[50] and Iraq[51] are both examples – corruption played a positive role in rebuilding political order and spurring growth. Again the *Beginners Guide* acquits itself unexpectedly well on this topic given its externalist tone; "A delicate and perilous balancing act, thus, seems to be involved in tolerating deviations from good governance in favor of

legitimate governance, though the potential benefits to stability may be immense."[52]

Managing Legitimacy Operations

The organizational structures, policy instruments, and management processes that support legitimacy-centered policies of foreign intervention and assistance are an overlooked aspect of research and practice. Since President Clinton's 1997 directive on "managing complex contingency operations" (PDD-56), there has been a recognition of the need for an effective template for the administration of foreign interventions. The question is what the legitimacy imperative implies for managing a foreign operation.

Ensuring foreign coordination on the "legitimacy agenda" is a key starting point. This means that accountability and evaluation systems on the donor side must be reconfigured to monitor legitimation outputs and outcomes. It also creates a communications imperative for foreign actors, parallel to managing expectations, to explain the objective of reviving the legitimacy of the state. Invariably, after all, there will be media stories on the home front about "being in bed with corrupt generals" and "promoting illiberal values." Unless these can be justified in terms of a legitimacy agenda, they will weaken foreign organizational capacity.

Creating organizational structures that can capture and interpret national demands is the next step. For instance, in assisting host-nations in rebuilding their business environments, foreign actors need to know what local investors deem important. Local business people may be more concerned with a stable electricity supply than with a bankruptcy law. They may deem rushed legislation or regulations that remove pressing roadblocks for everyone as legitimate and yet deem other rushed legislation or regulations that adversely affect some key interests as illegitimate. A lot depends on having in place organizational structures and processes that ensure a strong voice for the local business community (including technical assistance to translate, explain, and seek comment on proposed laws from local businesses). As a USAID senior legal reform advisor notes, "commercial actors are best placed to understand the existing envi-

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ronment and the practical implications of reform initiatives."[53]

By definition, any foreign mission that is dedicated to a rapid transition to the legitimating "internal agenda" will be one where pre-mission agenda planning is tentative and limited beyond the immediate "external agenda." Planning should be concerned with how to quickly gauge and operationalize national demands – in other words how to prioritize domestic stakeholders in the operation of the mission itself. A key implication is the importance of pluralistic organizational structures on the ground that include (if not integrate) officials in charge of military, administrative, economic, social, and environmental functions which may be variously called upon in unpredictable ways. Foreign actors must bring a chameleon-like organizational sensibility to the ground in host-nations that can automatically adjust itself to national demands.

The "provincial reconstruction teams" deployed in Afghanistan from 2003 and in Iraq from 2005 were a good example of forming structures that could achieve this aim. FM 3-24 notes that, "PRTs were conceived as a means to extend the reach and enhance the legitimacy of the central government into the provinces of Afghanistan at a time when most assistance was limited to the nation's capital."[54] However, Robert Kemp, a U.S. Foreign Service officer involved in several PRTs in Afghanistan, argues that legitimacy was never really treated as the main goal. This meant that there was no overarching "political strategy" to guide the teams alongside their well-worked out security and development strategies.[55] PRT members often assumed that their job was to push forward various external agendas, especially developmental ones. This could lead to conflicts with local stakeholders; "The more conservative sectors of society want to put the brakes on change and, to some extent, development, which at times puts them in opposition to the PRTs, whose officers want to push development forward."[56]

Beyond this, Kemp argues, PRTs suffered from two organizational problems. One was the heavy reliance on soldiers, who often made up 95 percent or more of PRTs. This lack of cross-sector balance and civilian expertise meant that PRT efforts in what Christie has called "non-masculinized" areas like consensus-building and capacity-building often got less attention than the "masculinized" jobs like building bridges and fighting insurgents.[57] While both could serve the legitimacy aim, the unbalanced organizational structure made the teams less likely to be flexible and responsive

U.S. Air Force Lt. Col. Christopher Luedtke, Panjshir Provincial Reconstruction Team commander, meets with the Dara district public health minister Dr. Dad in the Dara district of the Panjshir province of Afghanistan, Aug. 5, 2007, to discuss the progress of the district's medical center expansion project.

to non-masculinized national needs. The need to quickly hire and deploy civilian contractors with a range of expertise was one recommendation that the Bush administration heeded when in 2008 it created a Coordinator for Reconstruction and Stabilization within the Department of State.

Secondly, given that "legitimacy assistance" is a slow-moving operation of understanding demands, planning responses, and then implementing them, the rapid turnover of staff on PRTs meant that accumulated knowledge was lost with each tour of duty (usually 12 to 15 months). This implies the need for creating and managing systems of storing and transmitting accumulated knowledge about host-nation needs and legitimacy processes.

Among the organizational structures that will ensure a successful "statecraft" of re-legitimation, none may be more important than budget management. Taxation is a key mechanism that links states to their societies. The need for tax revenues forces the state to establish its legitimacy with society, which in turn allows the state to gather revenues and become more effective. Foreign funds (like exportable natural resources) that provide "direct budgetary support" for the host nation can easily short-circuit the domestic legitimacy imperative, creating well-known problems of aid (or resource) dependency and a consequent death spiral of legitimacy. On the other hand, if foreign funds by-pass the state and are used to deliver services through direct provision (monetary or in-kind or NGO aid), then the centrality of the state to public life is undermined, worsening prospects for legitimation.

The solution is what has been called "pooled funds" where foreign actors funnel funds through state institutions but maintain a shared voice in how they are used. While this may seem inconsistent with "national ownership," one must keep in mind the "statecraft" that foreign actors are engaged in. The job of foreign actors is to assist the host nation to identify and respond to national demands, not to pander to politicians and bureaucrats with extended hands. Legitimation processes involve complex calculations about how different actions by the state will create the positive social conditions in which legitimacy takes root. Shared control over budgetary allocations ensures that foreign actors can deliberate with state agents, ensuring that the quality of national representation improves. Recognizing the legitimacy imperative and the dangers of donor dependency, foreign actors can use their voice to encourage state behavior that builds a relationship of mutual trust with society. For instance, an explicit emphasis on using foreign funding to raise domestic tax revenues through strengthening the tax system or a system in which foreign funds are disbursed only on a matching basis alongside domestic resources can both serve the legitimacy aim.

In the long-term, the re-legitimation of the state implies a declining dependence on foreign actors, which must therefore be cognizant of the need, as the UNDP said of its East Timor mission, to "make itself irrelevant as soon as possible." Building self-obsolescence into the management of legitimacy operations means leadership that is constantly looking for opportunities to thrust the domestic state into the lead. Program management in a legitimacy-centered operation should be one in which withdrawal deadlines are constantly reviewed based on evidence of progress in putting the state back at the center of national political life.

The Case of Iraq

How do these lessons apply to the case of Iraq? The starting point of the mission in Iraq should have been a political strategy of legitimation of the post-Saddam state. The external agenda of overthrowing Saddam and his regime, eliminating uncertainties about WMD, establishing minimal security, and consolidating the protection of the Kurds was largely completed by April 2003. After that, the occupation (as with Afghanistan after the overthrow of the Taliban[58]) should have shifted rapidly to a legitimation operation. Rather than promise a beacon of democracy in the Middle East, the U.S. and its coalition allies charged by the United Nations with restoring the country should have promised only a UN-sanctioned occupation that would maintain the unity of the country (a goal widely shared by all non-Kurdish Iraqis) and set in motion the long process of the re-legitimation of state institutions. The failure to focus on legitimacy was a dominant theme of the Special Inspector General for Iraq Reconstruction's Hard Lessons report.[59]

At the center of this misstep was Paul Bremer, who headed the Coalition Provisional Authority (CPA) from May 2003 until its disbandment in June 2004. Bremer expressed a relish for the "MacArthur of Baghdad" moniker he earned, suggesting a *Beginners Guide* sensibility of the need to "deconstruct" the country. He told the first meeting of the CPA that "beyond security, we've got to solve bread-and-butter problems. That has to be our immediate priority."[60] While much has been written about Bremer, most of the critiques simply replace his external agenda with others. Bremer's error was not that he did x when he should have done y. Rather it was that he did

not begin with the question of whether x or y would best contribute to the re-legitimation of the Iraqi state. Critics who insist that Bremer should have re-integrated Baathists rather than disband them, or that he should have rebuilt the state-owned economy rather than privatize it, are no less mistaken in their imposition of external agendas. What was needed above all was a statecraft of occupation devoted to legitimacy.

This natural inclination to "do something" could have been redirected towards the legitimacy aim had mechanisms of representation and "national ownership" been in place. UN Resolution 1483 of May 2003 stressed the "right of the Iraqi people freely to determine their own political future" and called for an immediate handover to an "Iraqi interim administration." Bremer rejected this plan on the grounds that he "wanted our Coalition, not the United Nations, with its murky political agendas, to take the lead in pushing this process forward."[61] The UN representative Sergio Vieira de Mello, who died in a Dantesque position upside down between two concrete slabs in the rubble of the UN compound in August 2003, tried to make the "national ownership" point to Bremer (based on his experiences in East Timor) without success. Bremer distrusted not only the UN but also the Sh'ia representatives of the "Group of Seven" Iraqi exiles advising the CPA, and instead insisted on maintaining untrammeled power, even demanding the right to vet elections held at Baghdad University.

"Bremer's decision to assume all power for himself rather than transfer authority to an Iraqi government was probably the most fateful of his decisions," writes Peter Galbraith. "Needed reforms…might have been designed more relevantly as Iraqi initiatives, rather

than..[as] American-imposed reforms."[62] When the CPA announced the formation of a 25-member Iraqi Governing Council (IGC) in July 2003 to draft plans for a handover of sovereignty, the council was assailed by the Arab media as a fig leaf for American control. Although it had a full slate of cabinet members, they were deeply beholden to the CPA.

This failure to legitimate the most foundational of state institutions was the beginning of the subsequent civil war. Without a national ownership priority, as Herring and Rangwala note, U.S. actions undermined legitimacy at every turn. The CPA sought to retain preeminence as king-maker in post-invasion coalition politics, hollowing out the national political process and shifting power to local fragmented processes ("local ownership"). Direct funding led to patron-client relationships between the

U.S. and various political elites, undermining state accountability to local populations. The initial conduct of coalition counterinsurgency operations, meanwhile, alienated populations from nascent Iraqi forces because of excessive use of coercion and emphasis on force protection.[63] The regulatory functions of the Iraqi state were undermined by the U.S. insistence on meeting externally-set targets for reforms. Again, it is not that the U.S. policies were necessarily wrong but that they were approached in the wrong way.

As the vicious cycle of de-legitimation gathered momentum, Bremer's external agenda and then the agendas of the Iraqi Interim Government (2004-05) and Iraqi Transitional Government (2005-06) became more difficult to impose. As Herring and Rangwala noted in 2007, "these struggles are

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Iraqi policemen near a polling site lift their inked fingers to show they voted, Arapha, Iraq, March 4, 2010. Iraqi security forces were given the opportunity to vote early to assist in providing security on election day.

occurring in the context of a fragmented state, that is, one in which actors dispute where overall political authority lies…successive post-invasion Iraqi governments have had little incentive to develop domestic constituencies to which they are responsive or to pursue nationwide legitimacy."[64]

Was there a feasible alternative to CPA dominance? At the local level, the CPA initiated the "Baghdad Process" of electing neighborhood advisory councils which in turn voted on district and city/provincial advisory councils. These in turn could have been used to elect the Iraqi Governing Council, thus completing an indirectly elected structure that would have enjoyed the legitimacy of being nationally owned. Instead, the IGC was appointed by the CPA. Once that critical gap opened between Iraq's people and their nascent state, subsequent governments were playing catch-up.

Even so, critics of U.S. missteps in Iraq fail to take account of the severity of the re-legitimation challenge that even a well-designed strategy would have faced. Using the severity and duration of autocratic rule as a measure of the legacies of the Saddam regime and adding in additional problems like resource dependency, regional conflict, and low levels of development, Moon calculated that post-Saddam Iraq had a less than 0.06 percent probability of becoming democratic.[65] While legitimacy may be achieved before democracy, many of the same factors support both outcomes. On Moon's calculations, democracy would take *half a century* to appear in Iraq. At the very least, then, modest legitimacy would take one or two decades. Critics of the occupation who rushed books and articles into print within a few years of the occupation had no social scientific grounds to stand on. Indeed,

Herring and Rangwala admit as much when they write that even with a rapid handover to an Iraq interim administration, "Iraqis would certainly have had a major task on their hands to rebuild their state. Furthermore, as the steps by which Iraqis could take control of state-building were so fraught with potential dispute, such a choice could have turned out disastrously."[66]

The appropriate question, then, is what was the marginal contribution of U.S. mistakes to the bloody process of state re-legitimation that Iraq was bound to face after Saddam? The unraveling of the Syrian state in the absence of a U.S. intervention may provide one way to answer this question using a comparable case. The legacies of severe tyranny and the exacerbations of Islamic jihadists face both countries. The massive international effort to rebuild Iraq, despite many flaws, would not have occurred in the absence of U.S.-led invasion of the country. Syria is shortly to discover the costs of an absence of foreign intervention.

That said, every foreign intervention or assistance operation can do better, and an emerging international consensus is building around the idea that doing better means doing whatever national ownership requires. Reorienting foreign operations around this notion will be a long-term task given half a century of accumulated research on "what is to be done" in foreign nations. Integrating this research into a new statecraft of legitimation is a pressing task. PRISM

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