

# The Podesteria as a Model for Neo-Trusteeship

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## On Externally Led State-Building: three inferences from political science with depressing implications

- (1) In fragile states where civil wars have brought stalemates, it has been possible to organize external support for a power-sharing compromise, but this will succeed if and only if the external party stays virtually forever. ([Walter 2002](#); [Fortna 2008](#))
- (2) But if there is no stalemate, the best the external party can do is to choose a warlord and protect him from the insurgencies fomented by those left out of power ([Lake 2016](#); and memo for this conference)
- (3) Incentives for external powers are to fulfill their political goals that do not align with the needs of economic development that could permit long-term political reform. ([Girod 2012](#))

# But State Failure Could Not be Ignored

- State Failure produces “public bads”
  - Rogue militias with access to nuclear material
  - Communicable diseases that could spread worldwide
  - Refugees overtaxing the resources of accepting states
  - Humanitarian concerns (and the so-called CNN effect)
- Emergence (without a Soviet veto) of a robust PKO response
  - 45 UNPKO’s authorized by SC from 1988 through 2000
  - Several successes, but many failures
  - Vague mandates, commitment gap, lack of coordination, and unwillingness to admit that Blue Helmets need to initiate military action ([Brahimi Report](#))
- The Somalia “lesson”
  - PKO’s slip from humanitarian aid and peacebuilding to state-building (“mission creep”)
  - Unavoidable, but no guidance on how this can be done

# From PKO's to Neo-Trusteeship

## **An alternative diagnosis ([Fearon-Laitin 2004](#))**

State weakness preceded the civil wars

This is the problem to be solved

## **Proposed alternative to UNPKO's: neo-trusteeship**

Emphasis on building the state as central aim of external intervention

Not imperialism, but multilateral and with legal mandate

Managed by an interested "lead state" with boots on ground from TCC's

As with the UN Trusteeship Council, international oversight, and preparation for self-rule

## **Unsolved Problems**

Recruitment, coordination, and accountability present difficult strategic issues

But more fundamental: no theory of how to build strong enough government institutions to permit exit – this is the problem of our conference

# Towards a new model

- One with a contract between warring parties and external overseers that is incentive compatible with “state building”
- Here I explore one such historical model that has contemporary relevance

# The podesteria as a model ([Greif 1998](#))



- This institution, created in 1194, governed Genoa for 150 years, ensuring peace and prosperity after years of inter-clan civil war when a mutual deterrence equilibrium broke down.
- The contract, described historically and as a collusive equilibrium
- It provided a successful model for other Italian communes and provides a model for a 21<sup>st</sup> century neo-trust.

## Podestà as the trustee: institutional details

Selected by a council whose members were chosen on a geographic basis to prevent its control by any specific clan.

Hired for a year to serve as Genoa's military leader, judge, and administrator

Supported by twenty soldiers, two judges, and servants that he brought with him.

Responsible for enhancing Genoa's control over foreign possessions

Responsible for dousing the fires of many clan conflicts within Genoa.

Received a paycheck at the end of the year that was contingent on maintaining the peace, not altering the balance of power, and acting impartially.

# The challenges of the “collusive” contract

- The podestà should be deterred from colluding with one clan against the other.
- If a stronger clan initiated an attack, the podestà must be motivated to assist the clan that stands to lose.
- Since the podestà has to be weak relative to the clans in order not to aspire to gain control, the clan that in the absence of his intervention stands to lose in an interclan war should be motivated to fight alongside the podestà.
- In sum: In Greif’s [collusion] game, the podestà equilibrium holds if:
  - clan 1 does not challenge
  - clan 2 fights if it is challenged,
  - if clan 1 challenges and clan 2 fights, podestà fights with clan 2
  - but, if clan 2 does not fight, podestà colludes with clan 1.

# Incentive compatibility through commitment devices

## **By podestà**

To assure non-alignment with any clan, he, as well as his relatives to the third degree, was restricted from socializing with Genoese, buying property, getting married, or managing any commercial transactions for himself or others.

Obligated to spend his year in Genoa living in several of the city's quarters, to prevent him from associating for too long with the members of any particular clan.

To assure responsibility, a reputation incentive: the system diffused to many communes; nobles competed for these positions in the market for podestàs' services.

## **By the commune**

Its reputation incentive: it pays up at the end of the year, enabling it to hire high-quality podestàs in the future.

## Six (very preliminary) implications for neo-trusteeship

1. Must come from the region (all podestà's were from today's Italy, and all spoke Italian), but not the commune (this is different from the Special Representative appointed by the Friends of the Secretary General, as has generally been a present or past UN official, usually from a different region).
2. Cannot be associated with any tribe or social group that constitutes a faction
3. Must have sufficient military support ("boots on the ground" from TCC's) to deter any clan from defecting, but not enough to become dictator

# Six implications for Neo-trusteeship

4. Must have a limited term

5. The substantial reward (i.e. wage to the trustee) must be conditioned on meeting pre-set performance standards:

a. Fulfillment of international treaties

b. Reducing communal violence

c. Containing refugee flows

d. Collect taxes that are used to provide public goods such as roads, electricity, clean water, etc.

e. No corruption; be able to show clean bookkeeping

6. Elected by a national council of stakeholders, including warlords, tribal chiefs, druglords – all those with the power to undermine social order. (Such stakeholder meetings were arranged with international help in Somalia and in Afghanistan).

# A feasibility test in the contemporary world

Office of the High Representative (OHR) in Bosnia and Herzegovina

Created in 1995 immediately after the signing of the Dayton Agreement which ended the 1992–95 Bosnian War.

Lasted until 2011, but transitioned into more of a watchdog role when it was folded into the European Union office of the Special Representative.

Has brought peace and economic stability (though not democracy)

It has evolved into an inexpensive office of EU oversight, but no formal “exit”

# OHR: Institutional Details

## 1. The High Representative (analogous to the podestà)

Not Bosnian, but from the region (Europe)

Limited time and service (average two years)

An EU career such that if he performed well, this would enhance his status in the EU in a prestigious class of civil servants associated with the EUSR (European Union Special Representatives) serving throughout the world

## 2. The OHR peace mandate (authorized by an external overseeing board organized in Bonn in 1997)

Negotiated a defense reform act defanging the Supreme Defense Council of the Republika Srpska;

Dismissed 139 officials, including judges, ministers, civil servants and members of parliaments, sometimes along with freezing their bank accounts.

After the 2002 elections, scrutinized all political candidates for major ministerial positions.

## 3. Like the podestaria, it had no pretensions of being democratic; but it insisted on maintaining a rule of law.

## A final note

- I do not claim I have captured a feasible contract model, but I think it useful, instead of focusing on constraints, to think about the problem as one that theoretical models (such as that of collusion) with real world instantiations, as worked out by Greif, can be applied to the present.
- The podesteria, or the contemporary OHR, are contracts in which warring parties accept partially alien rule to live in peace under the rule of law. These are invitations to advance our thinking about neo-trusteeship as an approach to building once-fragile states.