International Transitional Administrations:
Towards Territorialization of IGOs?*

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While the "territorial state" has been amply scrutinized in International Relations (IR), the academic preoccupation with possible deterritorialization of governance seems to have overshadowed the importance of two parallel and equally remarkable possibilities: reterritorialization through inter-governmental organizations (IGOs) and territorialization of IGOs themselves. The gradual institutionalization of the practice of international transitional administration suggests itself as a potential manifestation of such parallel processes. While the most sophisticated scholarly argument about the nature of international administrations revolves around the question of state-building, this article contends that "state-building" is not all that the practice of transitional administration implies for contemporary global governance.

1. INTRODUCTION

THE first competent discussion of the "territorial state" in IR literature is usually traced back to the seminal article written by John Herz (1957) more than half a century ago. Herz identified what he believed was then the predominant challenge to territoriality in the international system, namely the proliferation of nuclear weapons. While his views on the demise of the territorial state did change over time (Herz 1968), his problematization of territoriality, perceived in terms of impermeability, would enrich the thinking of subsequent generations of IR scholars. Following the emergence of globalization theories at the end of the Cold War, John Ruggie (1993) made a particularly powerful statement as to the possibility of non-territorial forms of governance. On the whole, non-territorial forms of governance have been contemplated against the background of ever-developing functional and/or sectoral international regimes. To a lesser degree perhaps, IGOs also have found a place in various attempts to theorize alternative forms of governance at the global, regional, and indeed local level, with the European Union (EU) providing the most frequent subject of analysis.

The conceptual connection between IGOs and the question of territoriality is an interesting one. Recent academic preoccupation with possible deterritorialization of the state seems to have overshadowed the importance of two parallel and equally remarkable possibilities: re-territorialization *through* IGOs and territorialization *of* IGOs themselves. The gradual institutionalization of the practice of "international transitional administration" is a potential manifestation of such parallel processes. [1] To be more precise, international

administrations provoke interest in the question of territoriality and the associated processes of deterritorialization and reterritorialization of *political authority* (Ansell 2004: 7).

An international transitional administration, as understood here, is a "formally constituted, locally based management structure operating with respect to a particular territorial unit" (Wilde 2001: 585), which "is under the control of, and answerable to, an international body" (Caplan 2005: 4). Given that there is a reasonable degree of agreement on the historical and modern instances of international administration (Caplan 2005; Mortimer 2004; Wilde 2001), an examination of the predecessors, evolution, types or individual instances of international administration and related categories can be safely set aside. However, three important points that clearly emerge from the scholarly literature on international administrations need to be underlined at the outset, since this article takes these points for granted. First, the lead role in transitional administrations is played by IGOs rather than other actors. Theoretically, of course, the link between international administrations and IGOs need not necessarily be a particularly strong one. Nevertheless, a number of their attributes (e.g. multilateral setting, legitimating capacity, pooled capabilities, bureaucratic organisation) make inter-governmental organisations especially relevant to international administrations. Secondly, while a number of functional and/or narrow-focus IGOs, such as NATO, World Bank and the IMF, are indispensable players in international administrations, their official "non-political expert" nature makes them unsuitable candidates for the lead role. Hence, the primary focus of the relevant theoretical literature has been justifiably on such multi-functional, political IGOs as the UN and the EU, which are capable of coordinating or networking the activities of a large number of actors in theatre. Finally, despite the growing number of examples, there appears a broad-based agreement that so far the most advanced cases of international transitional administration (as defined above) are the ones that the international community created under the UN's umbrella in East Timor and in the former Yugoslavia. This article does not re-address any of the above three points. Rather, it takes all three points happily on board, and seeks to contribute to the substantive discussion on the nature and wider implications of international administrations.

Systematic and extensive study of transitional administrations as a phenomenon separate from multilateral peace operations is a relatively new development in scholarship. The attempts to derive broader theoretical insights from the practice of transitional administration are even more recent. Starting with Jarat Chopra's work on peace-maintenance (1996, 1998), an increasing tendency can be detected to associate, usually implicitly, the practice of international administration with the idea of state-building.[2] Indeed, the publication of Simon Chesterman's *You, The People* (2004) is perhaps the first notable explicit acknowledgement of this line of thinking, as is clearly revealed by the subtitle of the book: *The United Nations, Transitional Administration, and State-Building*. The linking of the study of transitional administrations to the theories of state-building is, of course, hardly surprising. After September 11, in particular, the idea of state-building (usually in conjunction with nation-building) has been taken up once again in intellectual circles with the hope of better explaining the changing state of affairs in world politics (Englehart 2003; Fukuyama 2004; Milliken 2003; Ayoob 2001; Bose 2004).

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[1] Hereafter, "international transitional administration", "international administration" and "transitional administration" will be used interchangeably.

[2] See, for instance, *Global Governance* 2004.

The growing theoretical sensitivity of the international administration literature is a welcome development. No doubt, the coupling of the state-building argument with the study of transitional administrations offers useful avenues to improving our grasp of both phenomena. Nonetheless, the state-building approach, with its focus on transitional administrations *per se*, that is, on the evolution, operations, functions, success and failure of transitional administrations, tends to undervalue the theoretical implications of international transitional administrations and misses some of the crucial questions that need to be tackled. Assuming that there is indeed a state-building project going on in the various transitional administrations, what happens to the Westphalian framework in this entire process? Are the envisaged or ensuing polities territorial states in the classical sense? If not, do we really observe a clear-cut process of gradual deterritorialization of political authority? This article argues that the international community may be increasingly experimenting with different forms of polity, in which territoriality is every bit as important as it is in the context of the territorial state. The main objective of the article is not to engage in a substantive discussion as to each and every aspect of its argument, but merely to set out the general analytical contours and preliminary propositions of such discussion.

International administrations, the following analysis hopes to demonstrate, point to interesting examples, if not yet patterns, of (re)territorialization of political authority in the international community. More crucially, while international administrations flourish in an environment of deterritorialization, the institutional evolution of this practice seems to involve a complex mixture of deterritorialization, reterritorialization and territorialization.

2. THE STATE-BUILDING APPROACH, TERRITORIALITY, AND INTERNATIONAL ADMINISTRATIONS

State-building, according to Chesterman, is "extended international involvement (primarily, though not exclusively, through the United Nations) that goes beyond traditional peacekeeping and peacebuilding mandates, and is directed at constructing or reconstructing institutions of governance capable of providing citizens with physical and economic security" (Chesterman 2004: 5). He suggests that transitional administration is an especially ambitious type of state-building operation in which some or all of the powers of the state are assumed by international administrators on a temporary basis. Several studies of transitional administrations are quite compatible, if not expressly in line, with the conceptual connection that Chesterman establishes between international administrations and state-building in so far as none of them proposes to tease out the wider consequences of the so-called state-building process in question.

Ralph Wilde, in his earlier work, argued that international administrations are framed to address two analytically separate types of problems, namely sovereignty and governance (Wilde 2001). His discussion of both types of problems is perfectly compatible with Chesterman's argument. In brief, the (re)building of a state clearly involves the question of *who* among the traditional stakeholders should exercise administrative control (sovereignty problem), and *how* (governance problem). Wilde's more recent work, with its emphases on community-building (Wilde 2000-2003) and on the shortcomings of state-building and failed state "narratives" (Wilde 2004), is (ironically) even more clearly in line with the state-building approach, though his analyses also foreshadow the complex question of territoriality. More recently, Richard Caplan has given the following reason for distinguishing between

international administration and state-building: "Not all international administrations are concerned with the development of autonomous capacity" (Caplan 2005: 3). Caplan, however, does not deny the special relevance of transitional administrations to state-building. Indeed, when taking issue with the view that transitional administrations are fundamentally flawed, misguided or ill-conceived, he seems to observe the gradual extension of an international authority "beyond peace maintenance to encompass, in some cases, state-building" (Caplan 2005: 13). Put differently, he too thinks of state-building as the only possible final destination for international administration. In any case, his earlier work does fit comfortably in the state-building framework (Caplan 2004).[3]

The peace-maintenance literature, which Caplan alludes to, precedes and also conveniently accommodates the recent state-building approach to transitional administration. A peace-maintenance political authority, Andy Knight writes, "can introduce multinational means of tackling complex emergencies, by using: preventive measures; observation; peacekeeping; military force; humanitarian assistance; confidence-building measures; and techniques of conflict resolution, and peace and *state building*" (Knight 1998: 33; emphasis added). The purpose of the envisaged external political authority, which may well take the form of governorship (Chopra 1998B: 13), is to make decisions and ensure a degree of domestic order until a new, legitimate, local government can be restored (Knight 1998: 23).

Theoretically, though, the idea of peace-maintenance contains more than meets the eye at first. Once initiated, the debate on a comprehensive, temporary, external, political authority has automatically proceeded more and more towards a discussion of the familiar state- (or nation- or community-) building exercise in accordance with the traditional Westphalian conceptual framework. It may be, however, both possible and useful to re-channel this debate towards a discussion of political authority (as the peace-maintenance literature originally envisaged) and political space. Notwithstanding his firm opposition to the UN's "statehood", that is, the UN's assumption of powers beyond governorship, Chopra himself gives us clues as to the semi-hidden potential of transitional administrations (Chopra 2003: 226, 238). The UN, he states, "cannot remain aloof of its relationship to territory or to the local population over which it may have claimed jurisdiction, and therefore must recognize its role in the exercise of executive political authority" (Chopra 1998: 8).

How can we envisage and explain the emerging connection between the UN, or other relevant IGOs, and the local populations / geographies? What sort of political space will such connection involve, require or create? The possibilities offered by the state-building argument are inherently limited, and force us to think in terms of the familiar sovereignty problematique. However, international administration is distinct from sovereign jurisdiction and does not (at least not yet) imply a transfer of title to territory (Jackson 2004: 26). In any case, as Ansell (2004: 4) aptly puts it, "sovereignty is interesting precisely to the extent that it acts as the constitutive principle in organizing" a broader question, namely territoriality. Both statehood and sovereignty commonly presume territoriality – especially in the modern state system, whereas territoriality and its relationship with political authority cannot be boiled down to either statehood or sovereignty. While the modern system of sovereign states is territorially defined, territorially fixed and mutually exclusive (Ruggie 1998: 178-179), it is well possible to imagine other systems of rule where any one or all of these three

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[3] Though not particularly revealing, it might be interesting to note that Caplan, Chesterman, Chopra and Wilde are all in the editorial board of a brand new scholarly journal with "statebuilding" in its title: *Journal of Intervention and Statebuilding*.

characteristics may be absent or transformed. Similarly, the presence or application of a territorial logic in the international system need not be confined to the familiar world of territorially disjoint, mutually exclusive, functionally similar, sovereign states.

As Robert Sack has convincingly argued, the most distinct characteristic of territoriality lies in the fact that it is "the attempt by an individual [actor] or group [of actors] to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area" (Sack 1986: 19). This understanding is consistent with the more common usages of the term in IR along the lines of "the use of territory for political, social and economic ends" (Agnew 2005: 437, 441). What is particularly noteworthy about Sack's detailed examination and clarification of territoriality is the emphasis on the possibility of conscious (strategic) choice and behavior on the one hand, and the notion that the actors "who are exercising control need not be inside the territory. Indeed, they need not be anywhere near it. A fence or wall can control, so too can a 'no trespass' sign" (Sack 1986: 20).

Territoriality, of course, cannot be conceptualized without any reference to geographic area. Nevertheless, what is crucial for territoriality (hence, territorialization, deterritorialization and reterritorialization) is not territory *per se*, but the notion of boundaries and frontiers that transform a geographic place into a territory. The delimitation of a place becomes a territory to the extent that its boundaries are used to affect behavior by controlling access (Sack 1986: 19). Under the Westphalian logic, territoriality has become the overarching principle of organization, in which the physical, social and political boundaries (and spaces) of each participant unit would ideally overlap (sovereignty) and give rise to a stable system of sufficiently similar polities (sovereign equality).

Transitional administrations enter the scene selectively, and only when the classical territorial principle fails to preserve the desired international stability in certain regions of conflict. The state-building argument, by its very nature, implies that the authorization and use of international administrations amounts to nothing but a firm reassertion by the international community of the Westphalian version of the territorial principle [4]. This perspective does not allow, however, for the possibility that the international community may be developing a new relationship with the principle of territoriality. Indeed, the various contexts of international administration seem to point to at least two simultaneous processes of change regarding territoriality, which may be closely intertwined. We now turn our attention to a quick examination of these processes.

3. INTERNATIONAL ADMINISTRATIONS AND RETERRITORIALIZATION

International administration is a tool used by the international community to address two major types of problems (Wilde 2001). Either it is designed to arrange the transfer to proper hands of a functioning but essentially contested government, e.g. a colonial government (sovereignty problems), or it is introduced to restore a government that has almost totally collapsed, if it was ever truly operational (governance problems). Both types of challenges, but especially governance problems, are a by-product of deterritorializing tendencies. Put differently, the *raison d'etre* of international administrations is deterritorialization.

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[4] For instance, Robert Jackson's (2004: 34) strong defense of international administrations can be conveniently situated within this perspective.

Sovereignty problems are closely associated with simultaneous rival claims over the same piece of territory. Even though these claims are targeted at a relatively well defined territory, and in this limited sense territorial, the source of the claims is frequently non-territorial. Perhaps the best illustration of this point is to be found in the former Yugoslavia. Bosnia or Kosovo at the national / regional level, and Mostar or Brcko at the more local level, point to concrete rival territorial claims resulting from non-territorial allegiances. The aim of the antagonists is consistent with a territorially fixed and mutually exclusive system. However, the envisaged political structures are not territorially defined. A sense of ethnic, religious, and cultural belonging precedes the search for territoriality.

Governance problems, essentially prompted by the collapse or absence of effective government (the failed state syndrome), are more explicitly non-territorial. Here the important distinction between government and governance needs to be recalled. International administration is definitely a response to the lack of effective local government, and as such, it does indeed wrestle with problems of governance. However, international administration rarely takes place in a total vacuum of governance. On the contrary, the actual problem confronting transitional administrations is the presence of a multitude of relatively informal non-territorial political structures which may, in their own way, be quite effective in certain aspects of governance. For instance, violent clandestine networks play a prominent role in the governance of several "collapsing" states (Reno 2005; Hohe 2002). Even at the peak of the anarchy in Cambodia in the early 1990s, for instance, the Khmer Rouge exemplified a relatively forceful structure of governance which was both ideologically and ethnically oriented. Neither Phnom Penh nor the Royalist circles lacked patterns of governance either. Similarly, in Somalia several clans were fully operational when the UN mission was deployed. Perhaps it would be a gross anthropological mistake to argue that there were no governance mechanisms in place in this conflict-torn country simply because the international community was not able to identify and deal with an internally uncontested and externally acceptable centre of political authority. Protracted violent domestic conflict usually goes hand in hand with rival structures of governance. These structures tend to have strong non-territorial features in that they frequently involve cross-boundary connections and movements, especially in such settings as sub-Saharan Africa and Southeast Asia, where strong ethnic-tribal ties persist. As Hannah Arendt showed decades ago, and as the Yugoslav crises have reconfirmed, "enlarged tribal consciousness" is by no means absent in Europe either (Ajami 1999: 36). These governance structures claim individual and collective allegiance from the members of the group, without necessarily employing the principle of territoriality (Gottman 1973: 27-33).

International administrations, then, are introduced into selective cases of relatively deterritorialized political authority —— in accordance with the international community's prevailing attitudes and power configurations at the time, and with the intention of restoring a semblance of internationally acceptable governance. Where there is an international administration, there is usually already a discrepancy, a disconnection, between the nominal, externally defined "state" and the territorial principle. The mechanisms of governance are not at all able to control all activities (or all activities that matter for statehood) within the territory. The Weberian monopoly of the legitimate use of physical force, for instance, is far from being territorially defined and imposed. The state is not capable of erecting and protecting meaningful boundaries that separate the inside from the outside.

Territoriality is a convenient ordering principle promoted by the Westphalian system. Maintenance of meaningful boundaries in this sense is more important for effectual

international relations than for good governance in any domestic setting. While territoriality is certainly not the only expression of political space (Migdal 2004), preservation of systemic order and stability requires clearly defined territorial borders under the Westphalian logic. From this familiar perspective, the allocation of physical geography to internally competent and externally acceptable units is deemed not only desirable but also absolutely essential. International administration is designed primarily to build or rebuild such internal competence and external acceptability in the face of strong deterritorializing tendencies. As a consequence, attempts to reintroduce and reinforce the territorial principle become an integral part of transitional administrations.

Wilde (2001: 587; emphasis added) argues that transitional administration "has been and is being used as a device to *replace* local actors in the activity of administration, either partially or fully, because of two perceived problems [sovereignty and governance] with the 'normal' model". He suggests that replacement by international organizations and officials of the local ones is the distinguishing characteristic of transitional administrations. This line of thinking is characteristic of the state-building argument. It is, of course, not difficult to find examples for the idea of replacement. When Resolution 1244 reaffirmed "the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia", the Security Council virtually suspended Yugoslavia's territorial sovereignty over Kosovo (Caplan 2005: 9). A new, external political authority was envisaged for Kosovo, which would draw on local (Kosovar) capabilities, effectively bypassing the national level (Yugoslavia). The relevant boundaries of physical, social and political space were now those of the Kosovo region. For instance, inherent in Ayoob's observation that the international community engaged in "state-building activities in Kosovo although the province's international legal status was not that of an independent state" is the idea that the exercise in Kosovo must have had a different meaning (Ayoob 2004: 103). Indeed, such replacement of political authority, presumed to be temporary, amounts to what Ruggie (1998: 186, 190-191) has famously described as "unbundling of territoriality".

Political authority, however, can be "rebundled" as well in that the "discrete bundles of functional and territorial authority are joined together in new combinations (themselves territorial or functional)" (Ansell 2004: 7, 12). Rebundling of authority need not be, and typically is not, confined to *replacement*. It may well proceed on the basis of a *layering* of political authority.[5] In other words, the process of polity-building may be proceeding at the intersection of local, national, and international / supranational levels, involving complex mixtures of actors and institutions (Tarrow 2004: 45). A well-known example of such layering, though not yet relevant to international administrations, is the EU's principle of subsidiarity, which is in effect a "way to make legal sense of two sovereigns sharing the same citizens and territory" (Shapiro cf. Ansell 2004: 13).[6] Although not fully developed in existing practice, other combinations of rebundling may be contemplated. The *ad hoc* international administration experiments certainly point to several possibilities, usually involving both layering as well as replacement.

Reterritorialization, perceived as layering, does not necessarily imply centralization of political authority. Agnew (2005) has recently demonstrated that *both* centralized and

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[5] For a theoretical discussion with specific reference to the EU, see Tarrow 2004.

[6] For an insightful examination of the EU's principle of subsidiarity see Rivolin 2005; and for an emerging theoretical treatment of "shared sovereignty" see Krasner 2005.

diffused power can territorialize or deterritorialize. [7] The application of the territorial principle, in other words, can be expanded or contracted horizontally as well as vertically with the participation of local and international actors. Layering, when it occurs, starts with the co-existence of indigenous and international authorities. Although international administrators play a complementary administrative role (i.e. horizontal division of labor), they typically occupy a political space that is higher up in the hierarchy of authority (i.e. vertical diversification). This higher layer of political authority, which is usually coordinated by a central IGO (in practice, the UN), then, reinforces the application (or imposition) of the overarching territorial principle on the societal elements which have a tendency towards deterritorialization.

Layering usually stems from the need to reconcile operational effectiveness, local support and international legitimacy. Total replacement of political authority, that is, *de facto* separation between the exercise of authority and traditional sources of legitimacy (territorial or non-territorial), is in general unacceptable to local populations and may attract serious resistance. Such endeavor, whether it is labeled "transitional" or "temporary", frequently raises the suspicion of trusteeship or colonization, whereas partition of authority between the international and indigenous actors – be it horizontal (i.e. division of labor) or vertical (i.e. layering) – enhances the chances of success.

Chesterman (2004: 12) observes that "the problem ... is not that transitional administration is colonial in character; rather, the problem is that sometimes it is not colonial enough". The failure he detects corresponds in fact to the lack of progress in the reterritorialization of political authority in international administrations. Despite all the accusations of colonization, for instance, UNTAC could not exert territorial control in Cambodia. The UN had to scale back its original ambitions. Replacement was an impossible scenario in the first place, but also the layering process remained incomplete. UNTAC was not able to assume governance functions, particularly in the administration of justice (Caplan 2005: 18).

There is a conscious, strategic aspect to layering as well. Two months before the creation of UNMIK in Kosovo, Tony Blair declared: "In the past we talked too much of exit strategies. But having made a commitment we cannot simply walk away once the fight is over" (Caplan 2005: 8-9). Early exit was not part of the allied plan, and it is highly unlikely that the envisaged political authority was conceived of as a total replacement, even though UNMIK's authority would prove path-breaking. Rather, the idea was to create a comprehensive upper layer of political authority, which would make sure that the physical, social and political spaces corresponding to the internationally recognized boundaries of Kosovo would overlap and remain intact. The reterritorialization of the polity would then depend mainly on the efforts of the lower layer of political authority, exercised by the local actors under the guidance of the upper layer. This rebundling would evolve through the interaction between the local population, the old territorial sovereignty exercised by Yugoslavia, the deterritorializing ethnic/religious dynamics in the region and the new structures of governance installed by the two layers of authority.

UNTAES in Eastern Slavonia illustrates the process of layering well. While UNTAES was not an operational body and did not perform several of the administration tasks, it

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[7] Agnew's analysis also allows for the possibility that despotic and infrastructural power (to use Michael Mann's terminology) can both deterritorialize at the state level and reterritorialize at an alternative level, e.g. local or supranational.

provided an effective upper layer of political authority. In the opinion of the UN's Special Representative, the "transitional authority alone would have executive power and he would not have to obtain the consent of either the [transitional] council or the parties for his decisions" (Caplan 2005: 19). UNTAES coordinated the Transitional Council — an advisory body made up of representatives from the Croatian Government and local populations (Serb, Croat and others) — and retained the right to override any decisions (Caplan 2005: 19). Despite the ongoing dispute over the extent of the international administration's authority, UNTAES lawyers were convinced that executive authority was constrained only by international human rights and humanitarian law (Doyle 2001: 550).

4. TOWARDS TERRITORIALIZATION OF IGOs?

Reterritorialization of the state, whether it occurs through replacement or layering, acquires a different meaning for the IGOs that exercise hands-on political authority during international administration. Territorialization of (the political authority of) IGOs, as conceptualized here, has four interlinked dimensions, each of which connects intimately with the principle of territoriality understood in terms of the use of territory (affect, influence or control) for political, social and economic ends. Each, in its own right, may be taken to indicate a degree of territorialization. In fact, it is rarely possible to observe all of them occurring in the context of the same international administration, at the same time, and with the same speed and intensity. Nevertheless, several of them manifest themselves with increasing frequency in different international administrations.

In the first place, replacement of traditional local political authorities, especially when the duration of the planned transition is left open-ended, can lead the IGOs to develop a growing bond with — that is, a special sense of responsibility towards — the territory under their administration.

The ever-expanding powers of the Office of the High Representative (OHR) in Bosnia is testament to the growing sense of responsibility of the two major IGOs in theatre, namely the UN and EU.[8] Since the signing of the Dayton Agreement, not only did the authority of the High Representative expand, but also the EU gradually but firmly asserted itself as the *primus inter pares* among the IGOs that function under the OHR's coordination. Bosnia virtually became an intense European project at the regional level as well as remained a comprehensive UN project at the global level, suggesting a growing sense of responsibility on the part of both organizations.

Arguably, the EU is itself a culmination of an ongoing process of territorialization. Perhaps as an outgrowth of this characteristic, the EU has favored a strong and effective international presence in the entire Balkans. The threat of regional instability, with its socio-economic ramifications, has provided added incentive for the special EU interest in Bosnia and elsewhere.[9] The former Yugoslav territory has become a test case for the EU, both in

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[8] This is not to deny Bosnia's importance for NATO. However, NATO has been chiefly concerned with the security aspect of the Bosnian operation, and, at best, helped the UN and EU with their assertion of territorial control over the two constituent entities of the Bosnian state; see Chandler 1999.

[9] According to UNHCR estimates, the number of Bosnian refugees in Europe had exceeded 1,300,000

terms of military capabilities and foreign policy. The Special Coordinator of the Stability Pact for South-Eastern Europe would declare: "We must all understand that it is not only the authority of the [European] heads of state and government that is at stake [in Kosovo] but also the common foreign and security policy of the European Union and the future of millions of people in Southeastern Europe" (Caplan 2005: 10).[10]

The EU's involvement in state-building is not limited to the narrow practice of hands-on international administration. Knaus and Cox (2005: 40-41) identify three types of state-building in which the EU is involved. Transitional administration corresponds to "authoritarian state-building" as in Bosnia and Kosovo where the "international missions have 'ownership' of the reform process, which gives them a strong institutional interest in overstating the success of their own work" (Knaus and Cox 2005: 49). However, there are more fundamental institutional interests at stake here. The EU's state-building activities are all in fact interconnected geographically as well as functionally, and their motivation derives from a common source, namely, the overarching vision of a European territorial identity. The effective abandonment of the idea of local community ownership in Bosnia (Ryan 2003: 222), for instance, reflects the EU's long-term desire to incorporate European values into this reterritorialized polity through a top-down approach. In the process, the EU's own political authority gradually territorializes in the micro-cosmos of the Bosnian polity.

Secondly, layering of political authority can practically lead to an uneasy co-existence of two or more overlapping territorialities, which may well be employed as deliberate strategies by the lead IGOs in theatre. Here, the upper layers, exercised by the IGOs, might easily attempt to control all "people, phenomena, and relationships" within the territory, including the outcomes of supposedly impartial political processes, such as elections.

In Kosovo, the international community has tried to meet two clashing objectives through the application of territoriality as a more or less conscious strategic choice. On the one hand, Belgrade's reassertion of its authority over the region had to be prevented. On the other hand, Kosovar claims to independence should be firmly denied — at least for the foreseeable future. The upper layer of authority was designed to oversee the preservation of this delicate balance, namely the balance between the conflicting local territorialities. In Bosnia, it is sometimes argued, the OHR's mandate simultaneously strengthens and weakens the authority of both the central government and the two entity governments vis-à-vis each other, because it involves consent from all parties (Wilde 2000-03: 248). In effect, this arrangement has paved the way for the expansion of the OHR's competence, consolidating the upper layer of authority. The High Representative now has the power to dismiss local officials and to issue interim laws.

Outright social engineering is another manifestation of territorialization as a strategy. In Eastern Slavonia as well as in Bosnia, the design of elections (electoral rules, criteria for eligibility, delimitation of the boundaries of municipalities, districts, counties, timetable etc.) provided textbook examples of electoral engineering. In East Timor, too, the top-down UN/World Bank approach to community-building was a type of social engineering, which gave UNTAET the upper layer of political authority and territorial control (Candio and

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in June 1996 (Bagshaw 1997: 567).

[10] By 1998, Bosnia was clearly labeled a "European problem" by the US Administration (Banks and Straussman 1999: 211).

Bleiker 2001: 72). A powerful indicator for the existence of an upper layer of political authority is the current practice of basing UN transitional administration mandates on Chapter VII of the UN Charter. In both Kosovo and East Timor, the application of Chapter VII has entailed not only the bypassing of the local will when deemed necessary, but also the suspension of all residuary powers of both Yugoslavia and Indonesia during international administration (McLaughlin 2003: 329).

Thirdly, international administrations can become the most comprehensive embodiment or personification of the structure, procedures, policies and operational capabilities of the leading IGO. Perhaps more importantly, they may symbolize the ideals and principles (in a sense, identity) enshrined in the make-up of the IGO, yet adapted to local realities.

International administrations, especially the most comprehensive ones, are increasingly treated as concrete symbols of the basic values and principles underlying the lead IGOs. Perhaps this is most apparent in the area of justice and democracy. The establishment and work of the Bosnian Constitutional Court is a case in point. In July 2000, when the Court reached its landmark decision that the privileged status accorded to Serbs in the Republika Srpska and to Bosniacs/Croats in the Federation was unconstitutional, the driving force behind the verdict was the three international judges who were appointed by the President of the European Court of Human Rights. Similarly, the UN, through the operations of the OHR, has endeavored to promote particular forms of democracy in Bosnia, actively trying to defeat certain political parties whose political programs are deemed to contradict the aims of the international authorities (Caplan 2005: 130).

On legislative level, as McLaughlin (2003) notes, the applicable law during the period of international administration in East Timor was, and in Kosovo still is, an amalgamation of pre-existing law, international law and UN regulations.[11] In both cases, any pre-existing colonial law enjoys force only because it has been declared extant by the UN transitional administration (McLaughlin 2003: 329). Of course, this practice could be interpreted as a sign of the deterritorialization of authority, because a non-territorial source is gradually penetrating indigenous law. From the reverse angle, though, such legal amalgamation may also imply a unique adaptation / modification of the UN's principles in interaction with indigenous and colonial legal practices. The ensuing complex legal system is enforced within clearly defined boundaries, is unique to these boundaries, and shows a special sensitivity (at least in theory) to those issues that the UN holds dear, such as the general human rights framework. In Bosnia, for instance, several human rights agreements were directly incorporated into the Bosnian Constitution and were given precedence over all national and entity-level law, "making Bosnia's system of human rights protection stronger, at least on paper, than that of most countries" — especially with regard to economic, social and cultural rights (Dakin 2002: 248).

More importantly, the complex legal amalgams frequently require on-the-spot interpretations, which tend to make the territorialization process more visible. In other words, while reflecting the will of the lead IGOs, the international administrations can develop and assert their own territorially adjusted identities. Even though the question of human rights was high on the UN's Kosovo agenda, for instance, UNMIK argued at one stage that it was not bound to respect human rights standards on detention. The situation in Kosovo,

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[11] For East Timor, see also Fairlie 2002-03: 1073-1074.

according to this reasoning, resembled emergency situations envisioned in the human rights conventions, and UNMIK's Chapter VII mandate would override international standards (Stahn 2005: 321).

On the other hand, the terms of reference of the World Bank's Trust Fund for East Timor treated UNTAET almost as a sovereign government rather than part of an IGO (Chopra 2000: 30). Similarly, the agreement between the World Bank and the "recipient" of its grant under the Community Empowerment and Local Governance Project had to be signed by the Transitional Administrator as if he were a head of state, not a representative of the UN. Chopra insists that this was not a matter of convenience. Kofi Annan could have been asked to sign the agreement, since he was in Dili during the negotiations. Instead, UNTAET was treated as a separate entity with a separate identity (Chopra 2000: 30, 37 n.11). This is a development that connects well with our last point:

Finally, the IGO, as an international administrator, may carve out a territorial space for itself within the system of sovereign states, and interact with the traditional participants of this system.

In East Timor, UNTAET's key personnel, several of whom had served with UNMIK in Kosovo, were convinced that they had to establish unchallenged control over the territory from the outset (Caplan 2005: 119). Although UNTAET was a relatively short-lived international administration, the UN's authority was akin to territorial sovereignty. Most strikingly, UNTAET possessed effective treaty-making powers as exemplified by the *Timor Gap Treaty* (McLaughlin 2003: 332). In other words, the layered local-international authority in East Timor as an expression of the UN's relatively independent will was capable of entering into a meaningful and binding relationship with the existing community of territorial states. This was not simply an example of non-territorial exercise of sovereignty, as, for instance, Agnew (2005: 441) might have it. Rather, this provided an example of relatively territorialized governance by the UN — shaped and coordinated within clearly defined boundaries, involving a mixture of local and international inputs, and prioritizing not only the territorial integrity of the unit under administration but also its *territoriality*. Again in East Timor, UNTAET effectively treated the 12 mile sea zone around East Timor as the territorial "sea-designate" of the East Timorese "state-in-waiting" (McLaughlin 2003: 333). East Timor's state interests, to employ the classic Realist terminology, were actively embraced and promoted by the international administration.

Somewhat different examples are provided by the various experiments in the former Yugoslavia. The establishment by an Arbitration Tribunal of an autonomous district in the municipality of Brcko in northern Bosnia, for instance, effectively created a third entity within the State of Bosnia in 1999. The Presiding Arbitrator made it amply clear that the task here was not only to protect the parties' interests, but also the interests of the international community (Baros 1998: 239). In Brcko, the international community created a territorial unit whose political vision was not necessarily compatible with either the two Bosnian entities or the Office of the High Representative. Here a "concentrated international authority and substantial international capacity" (Doyle 2001: 550) interacted with the surrounding territorial formations, trying to influence the outcome of the local political processes.

The practice of the IGOs in the field may be suggestive of different forms and applications of territoriality, which may not fully conform to the classic Westphalian application of the notion. In the process, the IGO state-building attempts may be leading to

the "bundling" of co-existing and diverse functional and sectoral spaces of governance into an extensive external political authority compressed within, and exercised over, clearly designated territorial boundaries. Such political authority may well be exercised by especially suitable IGOs, and may be permitted, tolerated, or actively encouraged for the sake of international stability.

5. CONCLUSION

The precursors of international transitional administrations date as far back as the League of Nations era. With the end of the Cold War, this practice has gained increasing currency and has by now become an acceptable part of the international community's long-term conflict management toolkit. Still, the nature of this activity is not yet fully understood. Our examination above has drawn attention to one particularly relevant misunderstanding as to the international community's resort to transitional administrations, which is encapsulated in the very concept of "state-building". Put quite simply, evidence gleaned from international administrations does not necessarily point in the direction of "restoration of sovereign statehood". Nor does it necessarily point to the "non-territorial" exercise of sovereignty by relevant IGOs. Instead, our account has suggested, the relationship between relevant IGOs and international administrations involves the exercise of what might be called perhaps "non-sovereign territoriality".

The practice of international administration evolves in response to the problems of governance experienced at the local, national and international levels. In the wake of strong deterritorializing tendencies, the stability of the traditional system of states is deemed to depend on the reintroduction and reinforcement of the classical principle of territoriality. State-building, both in practice and theory, is certainly an important manifestation of this conviction. The question of governance, however, has long ceased to be a matter within the exclusive domain of territorial states. Moreover, the future of territorial states is itself the subject of intense debate. None of this, of course, means that the ongoing search for territorial answers to the challenges of deterritorialization is doomed.

International administrations provide an illuminating example of how the principle of territoriality can evolve in different directions. Reterritorialization of the polities under international administration as well as the limited territorialization of certain IGOs in specific contexts tell us that modified forms of territoriality can provide a link between traditional local / national governance and the emerging patterns and principles of global governance. Multi-functional IGOs with a high degree of international legitimacy, such as the UN and the EU, can firmly incorporate their non-territorial principles of global and regional (good?) governance into the new local / national structures that they take over and reterritorialize. In the process, they themselves may undergo a process of gradual territorialization, paving the way for a slow but steady transformation in the international system.

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