

Weak states?

A pursuit for a weak state definition and feasible reconstruction theories

Abstract

This thesis has two aims. One is to present a definition and demarcation of the much used but seldom defined term *weak state*. The thesis identifies a connection between sovereignty and state weakness, and suggests lack of so called *domestic sovereignty* as a demarcated definition of the term. This implies a focus on domestic peace and institutional stability rather than lack of autonomy, recognition, democracy or legitimacy.

The second objective is to discuss three different ideas how to improve the international community's ability to help reconstruct weak states (i.e. gain domestic sovereignty). The ideas are: *Establish guardianship*, *institutionalise conflict response* and *involving sub-national groups*. The thesis analyses the strategies and concludes that in the complex world of the international community, the most radical ideas are hindered by international law or lack of political will. The thesis can however point out a few feasible suggestions to make reconstruction more efficient.

Key words: *weak state, state collapse, failed state, sovereignty, Africa*

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1 Introduction

“Democracia sin orden y autoridad no es democracia.”

Democracy without order and authority is no democracy. The words are the Peruvian president Alejandro Toledo’s, uttered in May 2004 as an excuse to harsh measurements during a period of civil unrest in the poor South American country. Not considering the specific Peruvian context, but the words themselves, they imply some interesting perspectives and serve as a point of departure in this thesis.

It is easy to get the impression that the focus in contemporary research in the development field is solely on democratisation issues. The impression is of course incorrect, but it is true that little attention¹ is paid to a problem seen by many as far more urgent, namely the problem with *weak states*.² This thesis will look behind democratisation and development, and deal with the problems with what is often taken for granted in the debate, namely the state itself. This is where Mr Toledo’s words become interesting. In a state where the institutions are falling apart and the government is losing control over the territory, it is hard to deliver effective democratisation aid. Where state institutions are absent, it is impossible.³ The starting point of this thesis is thus the conviction that dealing with the problem of weak states is one of the most important challenges in the post-Cold war international system.⁴

1.1 Aim

The aim of the thesis is twofold. First, I will try to contribute to the weak states debate by presenting a usable definition of weak states. The term is used quite carelessly in current literature and debate in a wide range of meanings covering a broad theoretical field. Hence, to be able to use the term, it must be defined, then demarcated. The search for, and underpinning, a definition and demarcation is the main methodological contribution of the thesis, and comprises a steady part of it.

¹ Mading Deng, Francis in Zartman, William. *Collapsed States – the Disintegration and Restoration of Legal Authority*. 1995: 207.

² I will use the terms *weak state* or *collapsed state* in this thesis to grasp the phenomenon, although many different names are used in the literature. Among the most frequent besides the two mentioned are *failed state* (Jackson, Helman and Ratner, Krasner) or *disrupted state* (Saikal)

³ Linz, Juan J. and Stephan, Alfred. *Problems of democratic transition and consolidation*. 1996: 17

⁴ See also Helman, G. and S. Ratner *Saving failed states* 1992

The second objective pursued, drawing on the first, is to evaluate a number of common suggestions on how the international community may become more successful in addressing and strengthening weak states. There have been some failures in both preventing state collapse and reconstructing collapsed states in the recent history leaving no doubt about the international community's incapability to tackle the problem. There must hence be more effective ways to react in the future. Alexandros Yannis notes that there is an "evident frustration" in the international society because of the "lack of precise conceptions [and the] absence of comprehensive international mechanisms to respond".⁵

Hence, two quite different aims and ambitions are crowded together in this thesis. But to reach the second objective, the first one must be done. To settle with only the first renders quite an uninteresting paper.

1.2 Disposition

The thesis will in large comprise two main sections, corresponding to the two objectives described above. The first section is a theoretical and methodological discussion about the state and state weakness. The aim of that part is to demarcate the term weak state in order to make it usable for analysis in the second section. Due to the wide and somewhat confused meaning of the term, the methodological reasoning pursuing a demarcation must be done profoundly. The main contribution is a somewhat new suggestion on how to define state weakness. I will use *lack of sovereignty*, rather than the more traditional *lack of strong state characteristics* in my pursuit for a definition. In other words, my hypothesis is that state weakness, in the wide spectrum of meanings it has in the literature, fruitfully can be described in terms of sovereignty problems.

The second section is where the theoretical discussion takes place. Chapter 3 introduces and discusses some of the different reconstruction strategies found in the literature and debate. The range of strategies analysed is framed by the definition and demarcation from the first section. The second section is thus rather an analysis of constructive theories, than a constructive analysis per se. The main material is not empirical cases, but conclusions drawn by others from these cases.

1.3 Methodological remark

There are in political science research two main positions whether the state will remain the supreme political organisation in the future or not. The two contesting views have been called *state decline theorists* and *state resilience theorists*.⁶

⁵ Yannis, Alexandros. "State Collapse and its Implications for Peace-Building and Reconstruction" in *Development and Change*. 2002: 823

⁶ Yannis, Alexandros. "State Collapse and its Implications for Peace-Building and Reconstruction" in *Development and Change*. 2002: 820

Among the different, and often related, positions in the state decline theories, there are advocates for a global government to replace or complement the state.⁷ Another wing sees an emerging neo-medieval political order in which several political authorities on different levels overlap each other along a complicated pattern. Among these political authorities the state is recognised as one potential part, but far from the only one. Other political actors are believed to be regions, unions, social and political organisations, a global government, networks, etc.⁸ A third position is focused on the emerging network-society, where the territoriality is losing its position as the ground upon which politics is based. Instead of states, geographically unbound nodes are seen as the main political actors. Nodes consist of different actors such as persons, companies, regions, organisations and unions, and political power is granted to those who are linked to a sufficient amount of other nodes.⁹

However an interesting and important debate and research area, this thesis leaves the discussion behind, and adopts the other of the two positions, the state resilience theory. A quite logical approach, since one of the thesis' points is to analyse reconstructive theories. Hence, the thesis assumes that the sovereign state in the foreseeable future will be regarded as an important political actor, and sometimes needs help to reach its expected characteristics. The renowned political scientist Kalevi Jaakoo Holsti argues that:

The state remains the only organisation that can provide the two essential services that allow the society to grow: security and welfare, broadly conceived. No other organisation can provide these simultaneously. This is not to argue that all states provide them well, efficiently, justly or fairly. But then most other kinds of organisation cannot provide them at all.¹⁰

Yannis argues in line with Holsti when he notes that “the state is the only technique we have, to date, that can provide the basic conditions prerequisite to a life of human dignity.”¹¹

Hence, weak states seen as an argument for the need of a cosmopolitan democracy and a global government is an interesting reflection, but beyond the scope of this thesis.

⁷ Among the most prominent are David Held and Danielle Archibugi.

⁸ Agnew, John. "The territorial trap: the geographical assumptions of international relations theory" in *Review of International Political Economy*. 1994: 53

⁹ Jönsson, Christer et. al. *Organizing European Space*. 2000: passim

¹⁰ Holsti, Kalevi Jaakoo. *International Politics, a framework for analysis*. 1995: 67

¹¹ Reisman, Michael in Yannis, Alexandros. "State Collapse and its Implications for Peace-Building and Reconstruction" in *Development and Change*. 2002: 821

2 Defining the weak state

“Although alleviating the developing world’s suffering has long been a major task, saving failed states will prove a new—and in many ways different—challenge.”¹²

The challenge mentioned above—“saving failed states”—is a twofold challenge. It consists of one mere concrete task—actually strengthen the weak states—and one theoretical task, to equip policymakers with effective tools and methods to accomplish the first task.

Penetrating the literature on weak states, pursuing the second task, it soon becomes apparent why constructive generalisations usable for research on weak states are few. As it becomes increasingly apparent that the weak state-issue is a growing problem worth being taken seriously¹³, the reader realises the severe methodological problems related to the issue. The wide variation in historical background, geographical placing and the cultural, socio-economical, demographical and political composition of the states often referred to as weak, makes generalisations on the origin of the weakness problematic. In other words, the methodological question what a weak state is *a case of* generates a quite broad answer. Equally, the wide range of weaknesses suggested in the literature, makes the consequences of state weakness hard to summarise sententiously.

Still, the term and its synonyms are quite successfully used to describe an increasing and somewhat new phenomenon in international politics, a phenomenon few deny the existence of. Therefore one can not deny the possible existence of a common denominator that binds most of the cases of state weakness together.

In this chapter, however, rather than focus on the common denominator, my ambition is to find a usable generalisation (i.e. a demarcation) of weak states, in order to carry out the second objective of the thesis described in the introduction.

Even though, as mentioned in the introduction, I suggest that sovereignty, and not strong state characteristics is the most advantageous theoretical approach to define and demarcate weak states, I choose to introduce the universe of weak states by describing the intuitive antonym—the strong state.

¹² Helman, G. and S. Ratner. “Saving failed states” in *Foreign Policy* 1993

¹³ See for example Gros 1996, Helman and Ratner 1992 and Yannis 2002.

2.1 The strong state

Being one of the most central terms in international studies, definitions of the state abound in the literature.

2.1.1 Barry Buzan's state model

In a basic, abstract and often cited model of what constitutes a state, introduced by Barry Buzan¹⁴, the state is seen as a triangle, where each leg represents one essential part of statehood (see Figure 2.1 below). If one leg is missing or weak, the triangle disfigures. The three parts are:

a) The common *idea* of the state

In an abstract model, this is the most abstract indicator. The common idea of the state is defined by Buzan as the “heart of the state’s political identity.”¹⁵ It is the idea that binds people together in a socio-political unity and answers questions about how the state is organised, who it comprises and why it exists. The indicator is related to terms like *nationality* and *ideology*.¹⁶ This leg of the triangle is particularly strong in nation-states.

b) The *institutional expression* of the state

This leg of the triangle contains the state’s concrete manifestation. Here dwells the “entire machinery of government.”¹⁷ In other words, the whole hierarchy of the administrative, legal and legislative bodies of the government, coercive forces, etc. This indicator also covers the norms and procedures along which the institutions operate. It is worth noting that the model pays no attention to whether the institutions are democratic or not. What matters is their functionality.

c) The *physical base* of the state

The last indicator in Buzan’s state model is the most concrete one. The physical base of the state comprises the people, a defined territory, the natural resources and the man made wealth within the state boundaries. Holsti also notes that the variables in this indicator are due to change over time, except for the boundaries of the defined territory, which positions in later eras have been seen as almost “sacred” and unchangeable.¹⁸

¹⁴ Buzan, Barry. *People states and fear*. 1991: 65

¹⁵ Buzan, Barry. *People states and fear*. 1991: 70

¹⁶ *ibid.*

¹⁷ Buzan, Barry. *People states and fear*. 1991: 82

¹⁸ Holsti, Kalevi Jaakoo. *The State, War, and the State of War*. 1997: 83

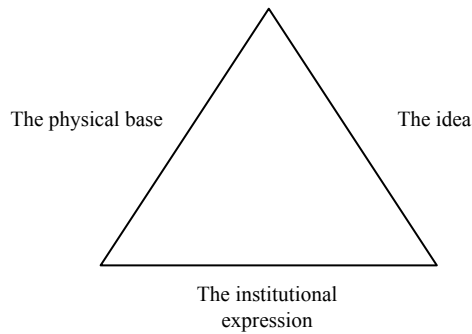


Figure 2.1 Barry Buzan's triangular state-model

2.1.2 The Weberian state model

Moving down the abstraction ladder, more concrete state definitions emerge. The sociologist Max Weber formulated an ideal model of a strong state often referred to when discussing the state and its properties. The Weberian ideal state is defined as an impersonal *authority* controlled by *legislation*, which controls a *territory* and possess a monopolistic right to use means of *coercion* against citizens.¹⁹

Besides the properties suggested by Weber, additional indicators are commonly mentioned making the definition even more concrete. Firstly the *recognition at home and abroad*²⁰ is important for a state in the interplay on the global arena. Secondly, delivery and regulation of certain *services* and *redistribution of wealth*²¹ are frequently mentioned as central parts of the statehood. It is quite a controversial indicator, since it may result in unintended ideological reasoning on whether neoliberal reforms are weakening the state or not. But even the most pronounced night watcher state²² delivers services financed by extraction to some extent. It is hence important not to interpret the indicator as the more redistribution, the stronger the state²³, but rather that fair and functioning extraction and redistribution, regardless extent, indicate a strong state.²⁴

¹⁹ Linz, Juan J. and Stephan, Alfred. *Problems of democratic transition and consolidation*. 1996: 17. Similar definitions can be found in Held, David. *Democracy and the Global Order*. 1995: 48

²⁰ Gros, Jean-Germain. *Towards a taxonomy of failed states in the New World Order: decaying Somalia, Liberia, Rwanda and Haiti*. 1996: 456

²¹ For example mail delivery, fire protection, garbage collection and road construction and securing the supply of electricity and basic telecommunication.

²² The *Night watcher state* is often used as a symbol for the ultimate neo-liberal state, where government ascendancy over people is set to a minimum. The name derives from the view that the only responsibility of the state is to protect its citizens. John Locke and Robert Nozick are thinkers often related to the term.

²³ Gros somewhat reveal his view when he argues that the problem with weak states is such that the International Monetary Fund and the World Bank is "ideologically ill-disposed" to help out, since the weak state-problem is not "too much state...but rather too little" (Gros, Jean-Germain *Towards a taxonomy of failed states in the New World Order: decaying Somalia, Liberia, Rwanda and Haiti*. 1996: 469)

²⁴ Holsti, Kalevi Jaakoo. *The State, War, and the State of War*. 1997: 92

2.2 A problematic definition

It is not impossible to use any of the two strong state-models described above to define state weakness. The two models may, however, render quite problematic definitions. The ambition in this chapter is to address some problems with the strong state-approach and present an alternative approach to reach a definition.

Chapter 2.1 presented two strong state-models: one abstract (Buzan) and one concrete (Weber). A weak state may of course be defined as failure to meet one or several of the indicators in the two models. By doing so, one can easily grasp all of the aspects of state weakness found in the literature. After all, what is a weak state if not *not strong*? Despite the logic, the approach is not usable to create a demarcated definition, motivated above.

Buzan's triangular abstract model discussed in chapter 2.1.1 is brilliant in all its simplicity. It serves well as a theoretical model of the state, but when it comes to defining state weakness, it falls short. If three available legs comprise a strong state, *weakness* must be seen as failure to reach the requirements associated with one or two of the legs.²⁵ To settle with a definition saying that a weak state is a state comprising only one or two out of three legs, would equip you with a fairly blunt instrument. To make it less blunt, each indicator would have to be divided into several operationalised and less abstract sub-indicators, and it would probably turn into something related to the more concrete Weberian definition. Hence, Buzan's state model is not ideal to reach the desired demarcation.

The more concrete Weberian state definition also bears problems making it less suitable to demarcate state weakness. If a weak state is defined as a state where one or several indicators in the model are not reached, the weak state may end up containing almost everything. This would, contrary to Buzan's model, render a sharp analytical instrument, but quite difficult to use. If both states that lack recognition abroad and states without functioning redistribution of wealth are regarded as weak, the response from the international community to re-establish a strong statehood would be quite different.

2.3 Sovereignty and weak states

As argued in the previous chapter, it is not impossible, although problematic, to use the strong state approach to find and demarcate a definition of weak states. There are of course connections between weak states and lack of strong states characteristics, but that is more of a logical connection than a useful one. To easily define and then demarcate state weakness, I argue that there is a useful connection between most thinkable aspects of state weakness and the lack of sovereignty. Therefore it might as well be fruitful to use the sovereignty term to create a demarcated definition of a weak state. This connection may seem obvious, but is not explicitly uttered in the literature.

²⁵ If all three legs are missing, there is no state, not even a weak state.

To examine this possibility, a taxonomy of the term sovereignty assembled by the renowned scholar Stephan D. Krasner will be elaborated in chapter 2.3.1. Thereafter, in chapter 2.3.2, I will further underpin the connection between sovereignty and state weakness by comparing Krasner's taxonomy with a taxonomy of weak states put together by Jean-Germain Gros. Finally, in chapter 2.4, I will suggest a definition and demarcation of state weakness by demarcating the sovereignty term.

2.3.1 Krasner's taxonomy of sovereignty

Sovereignty is a central and therefore widely used and defined term in international politics. Krasner has identified four different ways in which the term sovereignty is used in literature. The four faces of sovereignty are "the idea that states are autonomous and independent from each other, [...] a domestic order with a single hierarchy of authority [...] control over transborder movements [...] and [...] that political authorities can enter into international agreements."²⁶ He later transformed the four aspects into three, saying that "conventional sovereignty has three elements: international legal sovereignty, Westphalian/Vatellian sovereignty, and domestic sovereignty"²⁷, which basically means that the transborder and domestic dimensions have been merged into one called domestic sovereignty. The shorter taxonomy is used in this thesis.

The first idea, that all states are "autonomous and independent from each other" Krasner calls *Westphalian sovereignty*. The name of this dimension derives from the new international world order that was born after the peace in Westphalia 1648. The basic rule of Westphalian sovereignty is to "refrain from intervening in the internal affairs of other states. Each state has the right to determine its own domestic structures"²⁸, and that states are "unitary rational actors operating in an anarchic setting and strive to enhance their well-being and security. These states are constrained only by the external environment, that is, by the power of other states."²⁹ Hence, sententiously conceived, to be sovereign the state must have *territoriality* and *autonomy*.³⁰ This view of the world, as consisting of internally stable states competing on an anarchic international arena, has been the analytical assumption in international politics for a long time, and clearly inspired the creation of the U.N. and other international organisations by the end of the Second World War.

The second face of sovereignty is "a domestic order with a single hierarchy of authority". According to the domestic sovereignty theories, sovereignty is defined as the degree of control exercised by public authorities within the territorial borders.³¹ Hence, a state where the government does not reach the entire territory with extractive or redistributive activity, where legal coercive forces do

²⁶ Krasner, Stephen D. "Sovereignty" in *Foreign Policy* 2001: 21

²⁷ Krasner, Stephen D. "Sharing Sovereignty" in *International security*. 2004: 87

²⁸ Krasner, Stephen D. "Sharing Sovereignty" in *International security*. 2004: 88

²⁹ Krasner, Stephen D. "Compromising Westphalia" in *International Security* 1995: 118

³⁰ Ibid.

³¹ Krasner, Stephen D. "Compromising Westphalia" in *International Security* 1995: 118

not manage to uphold law and order, or where the population in parts of the territory simply recognise other political authorities than the state, have problems with its sovereignty. Examples abound, especially in sub-Saharan Africa. The Democratic Republic of Congo's eastern parts have long been out of control of the government, leaving the territory open for local warlords to establish their own orders and economies.

The last dimension of sovereignty is called *legal sovereignty*. This type of sovereignty is defined as the right to enter into international legal agreements and treaties. "Sovereign states can make treaties."³² Legal sovereignty comes with recognition and is not lost even if the state institutions collapse. Examples include Somalia and Sierra Leone. These are states that are—or have been—"sovereign in name only"³³ where most signs of statehood is gone (or has been gone), but still recognised as "sovereign" states by the international community.

2.3.2 Underpinning the connection

This chapter aims at further underpinning the tie between lack of sovereignty and state weakness. It consists mainly of a review of Jean-Germain Gros' article *Towards a taxonomy of failed states in the New World Order*, where Gros tries to bring some order in the wide universe of state weakness. Under each category in Gros' taxonomy I will argue for the connection to the lack of one or several of Krasner's four sovereignty aspects.

As the title suggest, Gros' intention is to present a *taxonomy* and not a *typology*. A typology is a categorization that logically excludes all other categories but those included in the typology. It is important to note that Gros' classification, as well as Krasner's above, hence doesn't necessarily cover all thinkable variations of the terms.

The first of Gros' five categories is the *anarchic state*. This is the most extreme form of the weak state, "which by definition have no centralised government whatsoever."³⁴ No public coercive forces uphold law and order, and no authorities extract or deliver services. There are no signs of any public political life at all. Liberia and Somalia were examples of states in this category. Due to its extreme character, describing this kind of states in terms of sovereignty is quite simple. The chaotic situation makes the lack of domestic sovereignty evident. However, both Somalia and Liberia have legal sovereignty. As a side track it can be noted that the opposite situation also exists. State-like political units like Somaliland in Somalia and the Palestinian Territories to some degree have domestic sovereignty, but lack legal status.

Moving along, away from the extreme situations, more complex situations emerge. Gros' second category is called the *phantom* or *mirage state*. In these states there are traces of public authority, but only in specific areas. Not seldom

³² Krasner, Stephan D. "Compromising Westphalia" in *International Security* 1995: 119

³³ Holsti, Kalevi Jaakoo. *International Politics, a framework for analysis*. 1995: 60

³⁴ Gros, Jean-Germain. *Towards a taxonomy of failed states in the New World Order: decaying Somalia, Liberia, Rwanda and Haiti*. 1996: 459

the only purpose is to protect the ruler or the ruling elite.³⁵ This “ultra privatization of the state”³⁶ where a ruler uses the state apparatus only for private security purposes and to protect and promote private business interests is called *cleptocracies*³⁷ or *extractive states*.³⁸ The main problem in terms of sovereignty lies here within the domestic sovereignty sphere. The government has none or little—and often doesn’t care to have—control over its legal territory. Gros mentions the Democratic Republic of Congo as an example where merchants in the remote eastern parts of the country don’t even accept the national currency as a medium of exchange.³⁹ This is a striking symbol of a declined domestic sovereignty!

The third category is called *anaemic states*. As the name implies, the central government in these states is “down but not out”⁴⁰ The government is struggling to fulfil its functions, but for different reasons it can’t be done. The problem, says Gros, derives from two sources. The government’s access to all parts of the population may be hindered by counter-insurgency groups seeking to assume power over parts of the territory or population. But the problem may also originate in the fact that the government doesn’t have the resources to reach the entire population or territory. In terms of sovereignty the anaemic state is related to the phantom state. Domestic sovereignty is problematic, if not to the same extent as in the phantom state. But it can also be argued that the anaemic state, due to counter-insurgency groups controlling parts of the territory, lacks the territory-part of the Westphalian sovereignty.

The fourth category is *captured states*. Gros means that “state failure here stems not from weak centralised governments, but from the fact that the state does not embrace the entire *polis*, only the part which members of the hegemonic elite think it should embrace”⁴¹ Holsti notes that “rule based on ethnicity rather than citizenship is one of the chief characteristics of weak states.”⁴² In other words, even the strongest central government is considered weak if it recognises only parts of the population as citizens. An example is Rwanda, where the Hutu dominated captured state went as far as to genocide on the excluded Tutsis. The shared *idea of the state*, discussed in Buzan’s state model above, is clearly what is missing in captured states. In terms of sovereignty, domestic sovereignty is problematic since the government does not reach the entire population, not necessarily because of lack of ability, but lack of will.

³⁵ Ibid.

³⁶ Bernard Forrest, Joshua. “State Inversion and Nonstate Politics” in Villalón, Leonardo A. and Huxtable, Philip A. (ed.) *African state at a critical juncture. Between integration and disintegration*. 1998: 48

³⁷ Holsti, Kalevi Jaakoo. “The coming chaos? Armed conflict in the world’s periphery” i Paul, T. V. and Hall, John A. (ed.) *International order and the future of World Politics*. 1999: 301

³⁸ Clark, John F. “Zaire: The Bankruptcy of the Extractive State” in Villalón, Leonardo A. and Huxtable, Philip A. (ed.) *African state at a critical juncture. Between integration and disintegration*. 1998: passim

³⁹ Gros, Jean-Germain. *Towards a taxonomy of failed states in the New World Order: decaying Somalia, Liberia, Rwanda and Haiti*. 1996: 459

⁴⁰ Gros, Jean-Germain. *Towards a taxonomy of failed states in the New World Order: decaying Somalia, Liberia, Rwanda and Haiti*. 1996: 460

⁴¹ Ibid.

⁴² Holsti, Kalevi Jaakoo. *The State, War, and the State of War*. 1997: 56

The fifth category, the *aborted states*, are states that never developed state institutions when transformation to independence took place. In Gros' terms, they failed *in vitro*.⁴³ Logically, if there are no state institutions to rule or control the borders, these states have no domestic sovereignty.

2.4 A weak state definition

Drawing on the apparent connection presented above between the wide spectrum of state weakness and lack of one or several aspects of sovereignty, I suggest that a wide definition of weak states is formulated as lack of sovereignty. In other words, in every aspect the term weak state is used in the literature and debate, there is a corresponding imperfect aspect of sovereignty.

To make it more usable, I suggest that the definition is demarcated into containing the aspect of domestic sovereignty only. It is a critical area appropriate for identifying a quite well demarcated group of countries as weak. In fact most of the states in Gros' taxonomy could be sorted into the domestic sovereignty sphere.

2.4.1 Elaboration of the definition

Demarcating the wide definition, the number of states with weak state-label inevitably diminishes. The proposed limitation primarily dismisses the usage of the weak states term to describe states that lack legal status. The occupied Palestinian territories, for instance, are not weak in quality of lacking legal recognition abroad. The limitation also rules out lack of Westphalian sovereignty as an indicator of weakness. Hence, a state under foreign occupation or whose autonomy is hampered in another way by external forces is not weak in that respect, nor is a state in which a so called humanitarian intervention takes place. A weak state may hence be sovereign in both the legal and the Westphalian sense, i.e. recognised by international bodies with a "sovereignty" that is respected on the international arena.

The narrower definition instead captures the core of a situation seen in various places around the world; a situation where peace exists internationally, while war or political chaos exists domestically. This is an inverted situation of Hobbes famous *security dilemma*. The security dilemma describes states as "political leviathans which created conditions of domestic peace but simultaneously provoked conditions of war internationally."⁴⁴ Hobbes' security dilemma mirrors a view that has been dominating world politics for a long time: States, sovereign in a Westphalian and legal sense, where domestic and international issues were strictly separated, and the government was assumed to control the domestic situation. In other words, the domestic sovereignty was

⁴³ Gros, Jean-Germain. *Towards a taxonomy of failed states in the New World Order: decaying Somalia, Liberia, Rwanda and Haiti*. 1996: 461

⁴⁴ Jackson, Robert. *The Global Covenant: Human Conduct in a World of States* 2000: 295

silently supposed to be unproblematic. The weak states definition may, hence, be seen as an overturned version of Hobbes' view of the world.

Robert Jackson argues in line with the demarcated definition when he notes that a weak state is "not necessarily underdeveloped [...] undemocratic [...] destroyed by international war. [...] Their adverse condition is self-inflicted. They are political failures."⁴⁵ Jackson concludes that weak states are:

"states that cannot or will not safeguard minimal *civic* conditions for their population: domestic peace, law and order, and good governance. [...] juridical shells that shroud an insecure and even dangerous condition domestically, a state of nature. Such states have an international legal existence but very little domestic political existence."⁴⁶

Krasner also leaves a striking example of the domestic situation in a weak state:

"In such states, infrastructure deteriorates; corruption is widespread; borders are unregulated; gross domestic product is declining or stagnant; crime is rampant; and the national currency is not widely accepted. Armed groups operate within the state's boundaries but outside the control of the government. The writ of the central government [...] may not extend to the whole country; in some cases, it may not extend beyond the capital. Authority may be exercised by local entities in other parts of the country, or by no one at all."⁴⁷

Examples from the real world are not hard to find: Somalia until recently, Afghanistan before the Taliban rule and Liberia during much of the 1990s. The democratic republic of Congo, Haiti and Sierra Leone are other states that during periods of recent history have been weak according to the definition.

The definition presented above clearly narrows down the aspects of state weakness and focuses on some central issues, but it also leaves quite a broad area within itself. The definition must therefore be seen as a *macro definition* meaning that it points out the direction and encircles the core of the problem. For possible future usage of the definition, however, *micro definitions* suitable for the specific purpose may be elaborated and operationalised within the broader but still demarcated macro definition. For instance, the crucial question how severe the sovereignty problems must be for the state to be regarded as weak is something a detailed study must tackle in respect to the specific context and purpose.⁴⁸

In this thesis, though, the nature of the second section is such that the macro definition is enough detailed for analysis. The reconstruction strategies discussed are all targeted to states whose weakness primarily falls within the domestic sovereignty sphere. Those are states lacking for instance domestic peace, law and order or institutional stability rather than autonomy, recognition, democracy or legitimacy.

⁴⁵ Jackson, Robert. *The Global Covenant: Human Conduct in a World of States* 2000: 295. See also Saikal, Amin. "Dimensions of state disruption and international responses" in *Third World Quarterly*. 2000: 40

⁴⁶ Jackson, Robert. *The Global Covenant: Human Conduct in a World of States* 2000: 296

⁴⁷ Krasner, Stephen D. "Sharing Sovereignty" in *International security*. 2004: 91

⁴⁸ See Zartman, William. *Collapsed States – the Disintegration and Restoration of Legal Authority*. 1995: 8-10 for a discussion.

3 Reconstruction

This section of the thesis will discuss and problematise three different reconstruction strategies, or more precise: strategies to make reconstruction easier. The strategies themselves do not deal with the actual reconstruction, but are rather different ideas on how to remove obstacles often associated with reconstruction of weak states. The strategies, formulated as questions, are:

a) *Establish guardianship?* Trusteeship were made history when the U.N. was founded, but now prominent voices call for a revival of the old tutelage system. Is tutelage in any form a realistic option in today's international politics?

b) *Institutionalise conflict response?* Many scholars witness a frustration in international society due to the lack of comprehensive mechanisms to respond to state collapse. Is an institutionalised, juridical and U.N.-sanctioned reaction plan a feasible strategy?

c) *Involving sub-national groups?* In international politics there is a perceivable disinclination for international society to involve others than the legal government in negotiations. Is an altered attitude against sub-national groups a viable strategy to reconstruct weak states?

The common denominator among the three is that they target states that are weak according to the demarcated definition above. They deal, with other words, with states suffering primarily from internal political problems. Hence, *reconstruction* simply refers to a re-establishing of the domestic sovereignty.

Another common denominator among the strategies, despite their in other respect disparate sort, is that they all imply some kind of foreign involvement in the process. The focus on external influence may of course be questioned, but there are valid reasons for it. William Zartman concludes his brilliant book *Collapsed States—the Disintegration and Restoration of Legal Authority* by saying that “it is hard to get around the usefulness, if not the outright need, of external assistance.”⁴⁹ The political powers within in a weak state have by definition no capacity to uphold the statehood. Therefore it is sometimes necessary though not always uncomplicated to involve others.⁵⁰ The external element may at best serve as a firm and neutral point around which the fragmented domestic political arena may gather. The worst scenario is that the external element engages in a possible conflict and becomes part of the problem.⁵¹ A situation which of course must be avoided. Another reason for foreign involvement is the collective security. James D. Fearon and David D. Laitin argue

⁴⁹ Zartman, William. *Collapsed States – the Disintegration and Restoration of Legal Authority*. 1995: 273

⁵⁰ Gambari, Ibrahim A. in Zartman, William. *Collapsed States – the Disintegration and Restoration of Legal Authority*. 1995: 221

⁵¹ *ibid.* and Saikal, Amin. “Dimensions of state disruption and international responses” in *Third World Quarterly*. 2000: 45

that “in a world with open borders, weapons of mass destruction, and no internationally legitimate means for redrawing state boundaries. Major powers and international organizations will have little choice but to involve.”⁵²

The strategies are selected on an *ad hoc* basis, representing main ideas and methods present in current literature and debate. But they are not completely randomly selected. If international reconstruction of a weak state is seen as a relationship between the international community and the target state managed by certain principles, discussing the three strategies may be seen as a problematisation of each of the three dimensions in that relationship: the international community’s function is examined under strategy b, the status of the target state is handled under c and the principles for the reconstruction is discussed under strategy a.

At this time it is also important to stress that the strategies are dealing with reconstruction of the state only. Hence, they are not primarily aimed at democratising the political institutions, but at assisting in creating a domestic sovereignty. In a broader perspective, the outcome of the strategies therefore must be monitored closely to verify that they only strengthen the state, and not the possible authoritarian regime leading it.⁵³

Each of the three reconstruction strategies will be described and discussed later in this chapter. Before that it is however motivated to take a closer look at the group of states defined as weak through the definition above.

3.1 The world of weak states

The fact that weak states pose a problem to the world is one of the points of departure in this thesis. In order to increase the understanding of the reconstruction strategies, this chapter will outline the main arguments found in the literature why weak states are problematic, and sketch a brief historical background to state weakness.

3.1.1 Why weak states pose a problem

There are three main reasons why weak states pose a significant problem: a) they are a threat to global and regional security, b) they are anomalies in the international system of states and c) they more often than not come with gross violations of the human rights. The issues will be discussed in the order above.

The political disintegration of a weak state generates, according to Yannis, “instability and threatens neighbouring states through refugee flows [...] and because the communities imperilled by state collapse often cross borders and can

⁵² Fearon, James D. and Laitin, David D. “Neotrusteeship and the Problem of Weak States” in *International Security*. 2004: 43

⁵³ Saikal, Amin. “Dimensions of state disruption and international responses” in *Third World Quarterly*. 2000: 45

appeal to neighbouring groups for involvement.”⁵⁴ Groups taking up arms to push an agenda—legitimate or illegitimate—in one country may, differently put, catalyse similar conflicts in neighbouring countries.⁵⁵ State collapses spilling over borders threatening the security in whole regions abound in recent history and include for example the complex conflict on the Balkans. Also countries in west and central Africa have seen several interventions from neighbouring countries with the motivation to ward off a conflict before it spreads.⁵⁶

The global security perspective was dramatically brought up on the agenda after the attacks in New York on the 11 September 2001, when it suddenly stood clear that weak states are not only a regional problem, but—intentionally or unintentionally—also may serve as safe havens for international terrorism.⁵⁷ In an era where weapons of mass destruction can be produced and delivered with relatively little knowledge and resources, a stable domestic sovereignty becomes a prerequisite for international security.

Since the international system of states relies on the assumption that legal sovereignty comes with domestic sovereignty, weak states also threaten the functioning of the system.⁵⁸ If the domestic part is absent, the fundamental idea behind the system falls. An international treaty is quite toothless if the governments lack authority to implement the agreement at home. Likewise, the idea behind international organisations like the U.N. is that the delegates in the general assembly actually represent a people—democratically legitimate or not. If that is not the case, if the representation is *de jure* and not *de facto*⁵⁹, the legitimacy of the body weakens.

The human suffering often related to weak states is perhaps the most concrete problem with state decline. Holsti observe that “problems of state-creation, ethnicity, secession, and national unification have been the major issues underlying wars since 1945. All of these are associated with the problems of weak states.”⁶⁰ Violent conflicts are common in weak states, and can be both the reason behind, and the result of, a state collapse. Yannis notes that weak states represent “one of the worst forms of civil war”, and that “state collapse emerged as a major issue in post-Cold War international politics as a result of the humanitarian crisis that usually accompany state disintegration.”⁶¹ But it is not only the civil victims of a violent domestic situation that may render human suffering. Refugee flows, banditry, halting rule of law and an unclear political situation also contributes to a strangled economic development and increased food insecurity. It is no

⁵⁴ Yannis, Alexandros. “State Collapse and its Implications for Peace-Building and Reconstruction” in *Development and Change*. 2002: 819

⁵⁵ Cliffe, Lionel and Luckham, Robin. “Complex political emergencies and the state: failure and the fate of the state” in *Third World Quarterly*, 1999: 42

⁵⁶ Gambari, Ibrahim A. in Zartman, William. *Collapsed States – the Disintegration and Restoration of Legal Authority*. 1995: 224

⁵⁷ Krasner, Stephen D. “Sharing Sovereignty” in *International security*. 2004: 94

⁵⁸ Yannis, Alexandros. “State Collapse and its Implications for Peace-Building and Reconstruction” in *Development and Change*. 2002: 823

⁵⁹ Jackson, Robert. *The Global Covenant: Human Conduct in a World of States*. 2000: 296

⁶⁰ Holsti, Kalevi Jaakoo. *The State, War, and the State of War*. 1997: 6

⁶¹ Yannis, Alexandros. “State Collapse and its Implications for Peace-Building and Reconstruction” in *Development and Change*. 2002: 823 ff.

coincidence that the greater part of the 113 million people that the United Nations World Food Programme distributed humanitarian food aid to during 2004 dwells in states considered weak. Political chaos and hunger goes hand in hand.⁶²

3.1.2 History

It is, of course, impossible to sketch a brief history shared by all weak states with their different political and social shortcomings during the last half century. But I will try to sum up and generalise some common characteristics in the history of a majority of the world's weak states.

In Europe the modern state creation began in the middle ages and was boosted by the peace in Westphalia 1648, after which the sovereign state was considered the most important political unit. States' borders have been altered during time, but most European states are old and quite well consolidated. From a global perspective another picture emerges however. Over 70 percent of the states in the world are younger than half a century and over 50 percent have no history as independent states dating back further than one generation.⁶³

The fifties and sixties saw a wave of independence in the colonised world and a range of new states was created and became members of the international community. Westphalian and legal sovereignty was at the time considered moral imperative, which resulted in a stressing of Article 2 in the U.N. Charter—accentuating the “sovereign equality”, “territorial integrity” and “political independence” of the members—at the expense of Article 4, enshrining the view that membership should be given to sustainable states only.⁶⁴

The colonial heritage was however hard to get rid of, and sceptics about the sustainability of the newly independent states were many. Pierre Englebert, as an example, notes in a play with words, that the African state is “neither African, nor state.”⁶⁵ Although a severe generalisation, Englebert's joke contains a grain of truth. The borders and political set up in former colonised states were in large part children of their respective colonial power. Independence consolidated the socio-politically arbitrary borders that were drawn with little respect to existing traditional political systems.

But weakness, in Africa and elsewhere, did not emerge instantly. The wave of independence took place in an international system polarised by the Cold war and the superpowers directed large amounts of foreign aid to the third world as a way of securing alliance based on their real or imagined strategic importance.⁶⁶ This was done without much consideration about the receiver's political

⁶² James Morris, Executive Director, United Nations World Food Programme (Internet resource)

⁶³ Holsti, Kalevi Jaakoo. *The State, War, and the State of War*. 1997: 54

⁶⁴ Jackson, Robert. *The Global Covenant: Human Conduct in a World of States* 2000: 305; Charter of the United Nations (Internet resource)

⁶⁵ Englebert Pierre. “The contemporary African state: neither African nor state” in *Third World Quarterly*. 1997

⁶⁶ Helman, Gerald and Ratner, Steven. “Saving failed states” in *Foreign Policy* 1992

sustainability, and clearly helped to prolong the viability of a number of states.⁶⁷ When the global political climate swiftly changed in the late 1980s the lack of sustainability of many states became apparent. Insurgencies and civil strife now posed real threats to the governments, and lacking the external support many of them plunged into domestic chaos.⁶⁸ According to CIA's research project *The state failure project* less than 6 percent of world's states were "in failure" in 1955 while 1990's number was almost 30 percent.⁶⁹ The project's indicators were slightly different from the definition in this thesis, but present a broad picture of a phenomenon on the increase.⁷⁰

It must however again be stressed that this timeline is a generalisation. Weak states existed well before the end of the Cold war, and many post colonial states have developed into strong states, some even into consolidated democracies. Also, a colonial background is not the only reason, or even *a* reason, to state collapse.⁷¹

3.2 Establish guardianship?

First out is the question whether guardianship in some form is a feasible strategy to help reconstructing weak states. It is a quite controversial issue, since guardianship is easily conceived as a neo-colonial idea. A quite understandable reaction since independence and autonomy—i.e. Westphalian sovereignty—are highly pursued values in international politics, and most states lacking them historically have been colonies. Despite its controversial nature, there is however an active discussion and valid arguments on both sides.

What then, is guardianship? I will start by outlining some suggestions presented by advocates of guardianship, and then discuss the suggestions using arguments from both sides.

3.2.1 Different kinds of guardianship

In their paper *Saving failed states*, Gerald Helman and Steven Ratner sketch the structures of three different and increasingly intrusive tutelage: *governance assistance*, *delegation of government authority* and *direct U.N. trusteeship*.

⁶⁷ Ibid. For example Somalia, the Philippines and the Democratic Republic of Congo received large amounts of aid from USA while Afghanistan, Cuba, Ethiopia and several other African countries were supported by the Soviet Union.

⁶⁸ Ibid.

⁶⁹ Krasner, Stephen D. "Sharing Sovereignty" in *International security*. 2004: 91

⁷⁰ A notion also made by Gambari, Ibrahim A. in Zartman, William. *Collapsed States – the Disintegration and Restoration of Legal Authority*. 1995: 221 and Saikal, Amin. "Dimensions of state disruption and international responses" in *Third World Quarterly*. 2000: 39

⁷¹ An interesting debate, but beyond the scope of the thesis. However, John F. Clark ("Zaire: The Bankruptcy of the Extractive State" in Villalón, Leonardo A. and Huxtable, Philip A. (ed.) *African state at a critical juncture. Between integration and disintegration*. 1998: passim) implies a connection between state weakness and colonialism, while Patrick Chabal (*Power in Africa, an essay in political Interpretation*. 1994: 153) blames the post-colonial leadership in weak states.

The first kind of guardianship is applicable when the state “is failing, but not yet failed”.⁷² A government still in control of some state instruments is required, since the model suggests that the intrusive actor (i.e. the U.N.) would assume the role as an assistant only. This type of guardianship may be described as an expanded version of existing governance assistance programs run by for example the United Nations Developing Programme, UNDP. The international staff and experts work with the government in specifically weak areas and help administer the state, while the authority remains with the government—legitimately elected or not.⁷³

States where the government has already collapsed need, according to Helman and Ratner, another more intrusive form of guardianship. In the second type the weak state may delegate specific governmental functions to the U.N. This means that the authority lies unparalleled with the intrusive actor, transferred to it by some kind of legitimate national council. Helman and Ratner mention Cambodia as an example, which after twenty years of civil conflict and no central authority summoned a supreme national council of warring factions and transferred the authority to the U.N. in order to reconstruct the country. In this way the U.N. was able to rule without violating Cambodia’s Westphalian sovereignty.⁷⁴ The “Cambodia model” is also, according to the authors, fully consistent with the charter of the United Nations, which is a fact that would make it easier to implement it in a possible large scale.

The last type of tutelage suggested by Helman and Ratner is a quite radical direct U.N. trusteeship. This type would “resurrect the old trusteeship system and apply it to failed states.”⁷⁵ This kind of measurements means, in short, that the U.N. or some other actor assumes control over the state’s territory and remaining state apparatus with the aim to re-establish vital and domestically sovereign state institutions. Taking this measure against states would however be a violation against the U.N. Charter, since it declares in Articles 77 and 78 that members of the U.N. can not be placed under trusteeship.⁷⁶

Another advocate for using tutelage of some kind to reconstruct weak states is Krasner, who argues that “to secure decent domestic governance in failed, failing, and occupied states, new institutional forms are needed that compromise Westphalian/Vatellian sovereignty for an indefinite period.”⁷⁷ Krasner argues that the existing portfolio of measurements—governance assistance and transitional administration—is far from sufficient, and says that new⁷⁸ institutional options to deal with weak states have to be explored.⁷⁹ His first suggestion is *de facto trusteeship* which is closely related to Helman and Ratner’s suggestion above. The second suggestion is called *shared sovereignty*, which “would involve the engagement of external actors in some of the domestic authority structures of the

⁷² Helman, Gerald and Ratner, Steven. “Saving failed states” in *Foreign Policy* 1992 (6)

⁷³ Ibid.

⁷⁴ Helman, Gerald and Ratner, Steven. “Saving failed states” in *Foreign Policy*. 1992 (7)

⁷⁵ Ibid.

⁷⁶ Charter of the United Nations, <http://www.un.org/aboutun/charter/index.html>

⁷⁷ Krasner, Stephen D. “Sharing Sovereignty” in *International security*. 2004: 89

⁷⁸ Krasner notes however that “virtually every other institutional arrangement that can be imagined” has been tried before and it is thus hard to come up with something that hasn’t been tried at some point.

⁷⁹ Krasner, Stephen D. “Sharing Sovereignty” in *International security*. 2004: 105

target state for an indefinite period of time. Such arrangements would be legitimated by agreements signed by recognized national authorities.”⁸⁰ This suggestion is in its turn closely related to Helman and Ratner’s second type of guardianship described above with the difference that Helman and Ratner stress the importance of time limited programmes, while Krasner stresses the opposite.⁸¹

Hence, to conclude the supply of ideas in the field there are (an expanded version of) governance assistance, (foreign or) U.N. rule with the authority granted by (the remains of) the internationally recognised government, and direct trusteeship where all legal and Westphalian sovereignty is withdrawn and the territory placed under international trusteeship. Under a trusteeship the national leaders are not even supposed to retain a veto—a right they keep under the shared sovereignty option. It must also be mentioned that none of the measurements above are meant to be taken without the consent from some kind of legitimate national body. Helman and Ratner then somehow ignore the problem that in weak states legitimate bodies most likely are absent in most cases. They simply settle by saying that “whether that consent must be a formal invitation or simply the absence of opposition would seem to depend upon the circumstances.”⁸²

Table 3.1 shows the difference between the categories, compared to some other known political arrangements.

	Legal sovereignty		Westphalian sovereignty			Duration of programme	
	No	Yes	None	Some	Full	Short	Long
“Sovereign” state		x			x	n/a	n/a
De facto trusteeship	x		x			x	x
Shared sovereignty		x		x		x	x
Governance assistance		x			x	x	
Colony	x		x				x
Protectorate	x			x			x

Table 3.1 Comparison between alternative political arrangements in terms of sovereignty and duration.⁸³

3.2.3 Discussion

Helman and Ratner’s main argument in their essay *Saving failed states*, and also in Krasner’s *Sharing Sovereignty*, why new more intrusive arrangements—i.e. guardianship—are necessary in international politics is that conventional methods do not have the desired long term positive effects in weak states. But to argue that current international praxis contains no satisfactorily effective tool to prevent state collapse is however not a controversy. Most scholars agree that weak states is a

⁸⁰ Krasner, Stephen D. “Sharing Sovereignty” in *International security*. 2004: 108

⁸¹ Ibid. and Helman, Gerald and Ratner, Steven “Saving failed states” in *Foreign Policy* 1992 (9)

⁸² Helman, Gerald and Ratner, Steven “Saving failed states” in *Foreign Policy*. 1992 (6)

⁸³ The table is a slightly revised version of a table found in Krasner, Stephen D. “Sharing Sovereignty” in *International security*. 2004: 90

problem, the question is rather if guardianship ought to be a recognised measure to respond.

Helman and Ratner also argue that guardianship is a natural response to different situations on the individual level, such as broken family conditions, mental illness or economical hardship⁸⁴—situations where no one questions the society’s right to violate the personal integrity. Not having the same approach at an international level—i.e. accepting the incapability of some states to govern themselves—is “failure to promote the central Charter values: human rights for all and stability in international relations.”⁸⁵ The social worker analogy also can be found in the writings of Mervyn Frost.⁸⁶ The point in Helman and Ratner’s argumentation is thus that violating weak states’ Westphalian—and sometimes even legal—sovereignty is in adherence to the spirit of the U.N. Charter. This is an idea that couldn’t be explicitly formulated in 1945 for political reasons, but that would be most reasonable in today’s political climate.

Another argument for using intrusive measurements towards weak states is that international assistance already in its current forms is if not intrusive at least conditioned. Aid is frequently used to enforce specific domestic reforms in human rights practices or democratisation or tied to certain projects or repurchase agreements. Hence, compromising a target state’s autonomy (i.e. Westphalian sovereignty) is already widely accepted in some areas. There is thus little difference in principle between accepting a heavily conditioned IMF-credit, and transfer control over the domestic sphere to the U.N. In practice, however, it is a huge difference. Some scholars go as far as saying that even though guardianship and trusteeship are controversial and detested issues, they are already “a reality in all but name”⁸⁷

What then can be hold against guardianship? Reading the literature on weak states tree main arguments surface: Primarily it violates the idea of equal sovereignty stated in the U.N. Charter, but it also—in Zartman’s words—“err in the arrogant presumption that only the West can govern [and that] an international condominium is precisely the sort of training in irresponsibility that developing nations do not need.”⁸⁸ The last argument is that the complicated and highly contextual process of putting a state back together takes an entirely domestic process to work—“with a keen sense of indigenous orders, customs, and ways of doing things.”⁸⁹

⁸⁴ Helman, Gerald and Ratner, Steven “Saving failed states” in *Foreign Policy* 1992 (5)

⁸⁵ Helman, Gerald and Ratner, Steven “Saving failed states” in *Foreign Policy* 1992 (6)

⁸⁶ Frost, Mervyn in Jackson, Robert. *The Global Covenant: Human Conduct in a World of States* 2000: 300

⁸⁷ Caplan, Richard in Krasner, Stephen D. “Sharing Sovereignty” in *International security*. 2004: 106 and Biersteker, Thomas J. “State, Sovereignty and Territory” in Carlsnaes, Walter et. al (ed.) *Handbook of International relations*. 2002: 171 mentioning Sierra Leone, Kosovo and East Timor as examples where tutelage has already begun to emerge in a *de facto* sense.

⁸⁸ Zartman, William. *Collapsed States – the Disintegration and Restoration of Legal Authority*. 1995: 272 f.

⁸⁹ Zartman, William. *Collapsed States – the Disintegration and Restoration of Legal Authority*. 1995: 273. A view also shared by Gros, Jean-Germain. *Towards a taxonomy of failed states in the New World Order: decaying Somalia, Liberia, Rwanda and Haiti*. 1996: 470

Jackson argues, underpinning the first argument, that as long as the respect for state sovereignty is the main standard on the international arena having a good cause in the name of, for instance, human rights is not a justification for violating the sovereignty of another state.⁹⁰ The question is, according to Jackson, rather what value to be regarded as the supreme standard of conduct. If, for instance, the idea of human rights reaches new heights on the expenses of sovereignty—formally or informally—Jackson does not seem to oppose intrusive measures.

The second argument, that guardianship has a faint but unpleasant smell of colonialism, is shared by many scholars. It is easy though, to be confused by the debate due to inconsistent use of the terms. Before 1945 trusteeship was quite common in international politics. These were territories, often colonies, placed under U.N. trusteeship without consent of domestic authorities. That kind of trusteeship is however not found in current literature. They all, again, imply an approval from the subject of the tutelage. Hence, violations of the Westphalian sovereignty will only occur if it is the will of the weak state—which according to Helman and Ratner is no violation.⁹¹

The third argument, that a restoration of the state must be a domestic process, is hard to meet. One possible solution allowing tutelage to be indigenous is to have national servants on key positions in the administration—a solution in accordance with Helman and Ratner’s two first suggestions mentioned above. But it is not a very good solution to the problem, since tutelage, regardless of the proportion of national experts in the administration, hardly can be seen as a domestic affair.

Regardless of what opinion one has about guardianship it is presumably unlikely to become reality. The most substantial obstacle is the lack of political will. Since states—both the powerful, which would have to implement and pay for it, and the weak, which might be the subject of it—only have to enter into guardianship upon their own will, support for guardianship in international politics is likely to be very difficult to gather. The major powers are unlikely to agree on a set of universal principles removing their option to choose where, how and for how long they have to engage. From the weak states perspective tutelage would be conceived as colonialism—regardless of the theoretical discussion whether it is or not.⁹² Without the support from these two wings, guardianship is a dead idea.

Besides the possible lack of political support, there are additional political obstacles regarding the issues of “recruitment, coordination, accountability, and exit”⁹³ related to guardianship engagements. Ralph Wilde notes that guardianship “raises far reaching normative and practical questions. Regrettably, this activity is

⁹⁰ Jackson, Robert. *The Global Covenant: Human Conduct in a World of States* 2000: 315

⁹¹ Helman, Gerald and Ratner, Steven “Saving failed states” in *Foreign Policy* 1992 (8)

⁹² Krasner, Stephen D. “Sharing Sovereignty” in *International security*. 2004: 107

⁹³ Fearon, James D. and Laitin, David D. “Neotrusteeship and the Problem of Weak States” in *International Security*. 2004: passim. The issue is also raised by Biersteker, Thomas J. “State, Sovereignty and Territory” in Carlsnaes, Walter et. al (ed.) *Handbook of International relations*. 2002: 171 and Krasner, Stephen D. “Sharing Sovereignty” in *International security*. 2004: 106

often represented within academic literature in terms that obscure or downgrade the importance of these questions.”⁹⁴

3.4 Institutionalise conflict response?

There are in current international praxis no clear concepts on how to address weak states. This leads, according to scholars, to confusion and frustration among the world's leaders when confronted with weak states.⁹⁵ There is hence a call for a shift from the current “ad hoc, underrationalized, and inadequate approach”⁹⁶ to institutionalised uniform regulations on how to respond, which would eliminate much of the perplexity and allow the international community to respond more efficiently.

But the question whether or not to institutionalise conflict response, or in other words, what approach the international society shall have to state weakness, is more complicated than just a need for more precise mechanisms. The reason behind the call for new methods is that many regard the current set of international laws as adapted to a world without weak states, and hence needs adjustment. The international community has no satisfactory way to respond as it is, and one strategy to improve this ability is to create new universal institutions with the authority to respond in an appropriate manner.

Literature is quite sketchy on the issue and concentrates on discussing why new methods are important rather than how to build them physically and legally. But the mainstream vaguely suggests some kind of new or upgraded U.N.-institutions with the exclusive authority to label member states as weak and place them under appropriate international assistance. The member states must then accept the ruling and supply the resources needed. This requires not only a new institutional set-up, but also that the U.N. is given additional authority.

The purpose with an institutionalised response is, as mentioned above, to avoid confusion and improve the capability to reconstruct weak states. An equally important argument is however that it would allow the international community to act at an earlier stage. The time factor may very well be crucial to whether the collapse can be reverted before overt or not. Logically, a state under collapse that immediately is put under suitable international assistance is more likely to avoid the collapse than if an international community taken by surprise has to go through time consuming political horse-trading before agreeing on how to act. Hence, time efficiency is an additional argument for this strategy. Helman and Ratner note that:

”The real challenge to U.N. members is to address the problem directly, by creating a conceptual and juridical basis for dealing with failed states as a special category, and by forming institutions to succor (sic) them. The international

⁹⁴ Wilde, Ralph. “Representing International Territorial Administration: A Critique of Some Approaches” in *EJIL* 2004: 95

⁹⁵ Yannis, Alexandros. “State Collapse and its Implications for Peace-Building and Reconstruction” in *Development and Change*. 2002: 823

⁹⁶ Fearon, James D. and Laitin, David D. “Neotrusteeship and the Problem of Weak States” in *International Security*. 2004: 41 f.

community needs a cost-effective way to respond to growing national instability and human misery.”⁹⁷

Lionel Cliffe and Robin Luckham add:

“What is crucial here is the identification of both policy errors and underlying processes of state decline before they become processes of escalating conflict or collapse.”⁹⁸

Hence, new or upgraded U.N.-institutions with the authority to decide whether certain states are weak or not, and launching an appropriate response, is the key option in literature. But everyone does not agree to letting the U.N. host these new institutions. Fearon and Laitin argue that:

“Although many UN organizations will be involved, the UN is ill suited to be the lead organization for coordination purposes. Furthermore, because the lead state needs to act in ways that are not transparently impartial, were the UN to play that role, it would compromise its long-term ability to act as an honest broker. A lead state or regional organization should set the terms of coordination among its own agencies, those of the UN (which provides not only functional support but also legitimation), and the host of other organizations serving functional roles.”⁹⁹

3.4.1 Discussion

It is not controversial to argue that the world today is ill suited to deal with weak states. The fundament of this thesis is that weak states are anomalies in the international system, and logically hard to relate to. But to solve the problem in the presented way is however not without problems.

First of all, starting with the concrete problems, it is probably difficult to decide exactly when a state would be eligible to the response. This is related to the problem touched upon in the first section, asking what exactly a weak state is. The definition supplied us with a frame rather than well operationalised easy-to-use indicators.¹⁰⁰ The need for foreign assistance is probably too contextual to universalise. If for instance a council was given the task to decide from case to case when to react, there would still be room for disparate opinions, and not much change from today.

Second, what kind of measurement should be taken? It is not only a question of when to respond, but also how. It is difficult to discuss whether or not to institutionalise conflict response, if not the question of what response to institutionalise is considered at the same time.

Third, lack of political will, again, most likely poses a huge problem to any standardisation of international action. It is not controversial to assume that the major powers are eager to keep their right to pick and choose their engagement. Further, the most suitable organisation to embrace a possible mechanism and coordinate the response is probably the U.N. due to its almost global legitimacy.

⁹⁷ Helman, Gerald and Ratner, Steven “Saving failed states” in *Foreign Policy* 1992

⁹⁸ Cliffe, Lionel and Luckham, Robin. “Complex political emergencies and the state: failure and the fate of the state” in *Third World Quarterly*. 1999: 44

⁹⁹ Fearon, James D. and Laitin, David D. “Neotrusteeship and the Problem of Weak States” in *International Security*. 2004: 42

¹⁰⁰ See chapter 2.4.

A single state or regional organisation is unlikely to be recognised as bearer of the responsibility to react. In reality, the most likely option is the U.N., if any.

There are two positions in literature about how the institutionalised functions shall operate. One is only stressing the need for a new and universal agenda on how to address state weakness, and the second is also calling for new institutions with authority beyond current levels. The second position raises, in addition to the practical problems discussed above, also normative obstacles. Should there be an institution with supreme authority over the member states or not? If yes, a consensus on a new U.N. Charter is necessary.

3.5 Involving sub-national groups?

This chapter deals with the question whether or not to involve so called sub-national groups. Or, with other words, how the international community can relate to weak or collapsed states. International politics are, as discussed above, a state centralised affair, where the three faces of sovereignty are assumed to come hand in hand. This is however not the case in all states, putting the theoretical assumption to severe constraints. One consequence of this world order is however that states, and their recognised governments, have been considered as the only actors in international negotiations. In a collapsed state the *de jure* government might very well be far from exercising a *de facto* authority, making such negotiations—for peace keeping, aid, reconstruction, etc—a waste of effort.

Yannis argues that liaising only with the recognised government, whether it is in control, weak or virtually non-existent is not a feasible way of solving the weak states problem. He means that there is no room for the simplified division into good and bad, and for regarding possible warring groups in a collapsed state as criminals, extremists, warlords—or even terrorists—unworthy the respect and recognition as partners by the international community in a possible reconstruction process.¹⁰¹ Instead he calls for new approaches of the international community adjusted to the realities and dynamics of collapsed states. Yannis notes that in a collapsed state with no central government, the leaders of rival warring groups might be the only representatives of the people, and the only ones that can actually provide reliable guarantees of security, policy implementations, peace, etc. Thus, sub-national groups must be brought to the table to lay ground for a reconstruction. Another important point in this context is that an excluded group might be unwilling to accept any foreign involvement in the process or any new or strengthened government, and hence try to sabotage the progression. Summing up, the challenge is, according to Yannis, “to turn these groups from military rivals to partners in peace.”¹⁰²

There are however two obvious problems to include sub-national groups in the process. First of all, the warring fractions might very well be the holders of the

¹⁰¹ Yannis, Alexandros. “State Collapse and its Implications for Peace-Building and Reconstruction” in *Development and Change*. 2002: 832

¹⁰² *Ibid.*

only public recognition there are left, but are they potential “partners in peace?” Are they interested in, and capable of, a civilised non-violent rule? On the other hand, the legal and recognised leader might be as bad for the country as the warlords. Also, some of these sub-national groups are pursuing a democratic change or fighting the remains of a corrupt and repressing government, and are likely to be an even better option when it comes to reconstruction of the domestic sovereignty. It is hence difficult to draw any general conclusions based on the first argument.

The second argument against an involvement is a more principal than a pragmatic one. Involving warring insurgency groups in a process would to some degree legitimise their means. Hence, the international community might in this way help cruel personalities with thousands of lives on their consciences to reach the position of power they have been fighting and looting in decades to get. It might also encourage others to take up arms and provoke a state collapse, if it is shown to be a feasible way to reach recognised power and influence. For the same reason as governments “refuse to negotiate with terrorists” in for instance kidnappings in Iraq or Afghanistan, they are also hesitant about involving warlords. Hence, there is not only an ill-considered state centrism behind the reluctant attitude.

3.5.1 Discussion

Whether or not to involve sub-national groups in a possible foreign reconstruction attempt is clearly a difficult question. Cliffe and Luckham note that “each option posing dangers for the process of reconstruction.”¹⁰³ Sententiously the dilemma can be summarised as follows: a process without sub-national groups might be sabotaged and lack legitimacy. An inclusion of the groups would risk incompetent actors and a legitimating of cruelty and insurgency as political means.

The process of establishing a new Somali parliament after more than a decade of domestic chaos is a recent example of this dilemma. The parliament is mostly made up of representatives from the different rival clan based groups, and without doubt many of the members of the Somali parliament have committed severe crimes in the past.¹⁰⁴ Judging from the development so far, inclusion was however the right thing to do. There is no universal rule, but rather a need of contextual sensitiveness from the international community’s side regarding the scope of the collapse, the profile of the sub-national groups and possible other variables. In Somalia, where the collapse was immense, and the warlords at least so far have been willing to compromise at least to some degree, inclusion perhaps was the right strategy—and maybe also the only way forward in an extreme situation.

¹⁰³ Cliffe, Lionel and Luckham, Robin. “Complex political emergencies and the state: failure and the fate of the state” in *Third World Quarterly*. 1999: 48

¹⁰⁴ *Somalia's rocky road to peace* (Internet resource)

4 Conclusions

This chapter will try to draw a few conclusions from the two sections of the thesis. Due to the thesis' quite heterogeneous kind, conclusions from the two sections will be separated and presented in different sub-chapters.

4.1 Concluding the first section

The first section (chapter two) pursued a definition of state weakness in its widest form and a demarcation of the definition to make it more useful. I suggested that lack of sovereignty, in any of Krasner's three dimensions, would act as a suitable way of describing the wide universe of weakness found in the debate and literature. However, lack of domestic sovereignty turned out being the most common feature of weak states. It was then suggested that the wide definition was demarcated down to comprising domestic sovereignty only. The demarcation hence disqualified the weak state label on for instance unrecognised, undemocratic or occupied states, or states in other ways constrained by the powers of other states.

I argue that the definition grasps the core characteristics of states considered weak, and in principle is adequate for comparative studies. But at the same time, it leaves quite a broad space within itself, making more detailed and contextual studies hard to accomplish. I therefore argue that micro definitions exclusively adjusted and operationalised to a specific context probably would be necessary for case studies. To carry on with the second objective in this thesis, this was however not necessary.

4.2 Concluding the second section

Reading through the discussions of the three reconstruction strategies above, a broader question appears. A question that runs like a connecting thread through the whole chapter looming just behind the more concrete reconstruction issues: Is the Westphalian sovereignty an obstacle to the international community's ability to reconstruct weak states? What status ought the Westphalian sovereignty to have? Can the Westphalian sovereignty be reappraised at all? This chapter will in large comprise a problematisation of those questions drawing on the different arguments in the literature and tying the three strategies together.

The Westphalian sovereignty, implying that “each state has the right to determine its own domestic structures,”¹⁰⁵ is coded in the portal paragraphs of the U.N. Charter¹⁰⁶ and is a fundamental principle in the international community. However clearly legally stated, the principle has been increasingly challenged. Crocker Chester notes that:

”Not since the Napoleonic upheavals (if not the peace of Westphalia in 1648) have the rights of states, people and governments been so unclear ... what ‘sovereign’ rights, if any, do governments have to prevent outsiders from telling them how to treat their people...”¹⁰⁷

As Chester implies, there have been a movement in the international debate and praxis away from stressing the collective security towards a more individually focused security.¹⁰⁸ One can say that the ideas conceived in the Declaration of Human Rights have somewhat challenged sovereignty as the superior philosophy in international politics.¹⁰⁹ It is of course not a formal process, but rather a slow change of position in accepted praxis. The result has been, observed by Chester, that there is an uncertainty in the world today on what rules apply. The change can be seen as a change of the subject of politics from states to people.

Questioning the Westphalian sovereignty is however not a new thing. Krasner calls the Westphalian sovereignty an “organised hypocrisy”, which “refers to a stable game-rhetoric solution to the contradictory practice of asserting the inviolability of territorial boundaries on the one hand and the practice of constant interference on the other.”¹¹⁰ Hence, Westphalian sovereignty is as violated as it is cherished, and in reality no absolute principle.

The first of the three questions asked above, if a reappraised Westphalian sovereignty would make it easier to reconstruct weak states, is quite easy to answer. Our three reconstruction strategies are all tightly associated with—and dependent on—the Westphalian sovereignty. In an imagined world without the Westphalian sovereignty, guardianship would not be a controversial issue, not even in its most intrusive form—trusteeship. Likewise, there would be fewer reasons to give sub-national groups special treatment. Institutionalisation of conflict response is much a question of the authority of international organisations to categorise states as weak and order the international community to assist them. Without Westphalian sovereignty, consent for such a response is not needed. Westphalian sovereignty plays thus the role as a brake shoe in all strategies discussed. It does not stop or hinder the strategies, but rather complicates them.

¹⁰⁵ Krasner, Stephen D. “Sharing Sovereignty” in *International security*. 2004: 88

¹⁰⁶ Article 2:1 in Charter of the United Nations (Internet resource)

¹⁰⁷ Chester, Crocker in Jackson, Robert. *The Global Covenant: Human Conduct in a World of States* 2000: 298

¹⁰⁸ Yannis, Alexandros. “State Collapse and its Implications for Peace-Building and Reconstruction” in *Development and Change*. 2002: 824

¹⁰⁹ Mading Deng, Francis in Zartman, William. *Collapsed States – the Disintegration and Restoration of Legal Authority*. 1995: 217 and Biersteker, Thomas J. “State, Sovereignty and Territory” in Carlsnaes, Walter et. al (ed.) *Handbook of International relations*. 2002: 169

¹¹⁰ Biersteker, Thomas J. “State, Sovereignty and Territory” in Carlsnaes, Walter et. al (ed.) *Handbook of International relations*. 2002: 161

Hence, though a much fuzzier world, reconstruction would most likely be less complicated with weaker or absent Westphalian sovereignty.

The second question, if Westphalian sovereignty in the light of the above discussion ought to be reappraised, is however a tougher question. This thesis will not embark on the normative journey needed for an appropriate answer, but settles instead by stating that there are different positions in literature and that the confused current status and lack of comprehensive tools to respond to state weakness are the main arguments for a new order.¹¹¹

Finally, can the Westphalian sovereignty be reappraised at all? In the discussions of the three theories above, one obstacle returned in two of the cases—the lacking political will. There is a widespread attitude in international politics that Westphalian sovereignty can be violated in acute crises such as massive human right violations. Hence, Westphalian sovereignty is not absolute, but current consensus is quite different from re-writing international laws providing the world with an explicit alternative to take away weak states' status as sovereign states. It would require a political consensus among both strong and weak which for various reasons is unlikely to occur.¹¹² There are also, as mentioned above, severe normative and practical problems with a new formal world order.

What options remains then, if the Westphalian sovereignty is unlikely to be reappraised? Or, in other words, what can be done within the fences of the current international praxis, to facilitate state reconstruction? Among the ones discussed there are a few feasible ideas. The “Cambodia-model” discussed in chapter 3.2 appears to be a way forward. A council representing some kind of national legitimacy transfers to the U.N. the task to rebuild the country's domestic sovereignty but retain a right to a veto. This allows more than just assisting, but is at the same time no formally intrusive measure. I also suggest an open attitude to sub-national groups. Due to obvious problems with an involvement, this strategy should be used carefully, but should also be recognised as a useful strategy in extreme situations. Lastly, an institutionalised conflict response is hard to create with a retained Westphalian sovereignty. But reduced to a call for a more synchronised agenda among the world's states for monitoring and addressing weak states, I think the strategy may contribute to a more appropriate and fast use of accessible means.

¹¹¹ See for example Saikal, Amin. “Dimensions of state disruption and international responses” in *Third World Quarterly*. 2000: 46 **and** Helman, Gerald and Ratner, Steven “Saving failed states” in *Foreign Policy*. 1992: passim **and** Yannis, Alexandros. “State Collapse and its Implications for Peace-Building and Reconstruction” in *Development and Change*. 2002: passim

¹¹² Krasner, Stephen D. “Sharing Sovereignty” in *International security*. 2004: 107

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