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The Fragile States Debate

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Considering ways and means to achieve stronger statehood

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Politorbis
Bundesgasse 32
3003 Bern

Phone: + 41 31 325 81 52
Fax: + 41 31 324 90 61

mailto: politorbis@eda.admin.ch
www.eda.admin.ch/politorbis

Preface: Ariadne's thread

Stephan Winkler[1]

For about a decade now, practitioners and commentators of international politics have paid increasing attention to the issue of "failed" or "fragile states". The overall results of so-called "external interventions" - the term here is used extensively and includes both coercive and non-coercive forms – in fragile contexts are mixed.

The contributors to the present issue of Politorbis concur in pointing out that the phenomenon of state fragility should be understood more as a process than something static. Their thoughts can be illustrated by reference to Greek mythology. The interventions and above all the accompanying discourse remind us of the figure of *Hercules*, who tackles a series of dangerous tasks by displaying a maximum of physical strength and of courage. However, if the aim is to achieve one's goals effectively in a context fraught with uncertainty, it seems that *Ariadne* perfectly embodies the qualities required. Theseus, prince of Athens, risked to be destroyed by the Minotaur, a creature that was part man part bull, and was confined in a labyrinth. Ariadne helped Theseus by giving him a sword to overcome the Minotaur, but also a thread to enable him to escape from the labyrinth, which was designed to prevent anyone from escaping. Ariadne's intervention was anticipatory and her guiding notion was to help to maintain a sense of direction. National as well as external actors have, often in vain, made Herculean efforts to strengthen statehood. Would it not be in their interest to unroll Ariadne's thread more frequently, to be aware that there is a long road ahead of them and that a straight line does not always lead fastest to the goal?

This issue of Politorbis deals with the difficulties of how to find and use Ariadne's thread. The *first part* gives an overview of the current state of the debate. The *second part* presents the results of the deliberations of a working group within the Federal Department of Foreign Affairs (FDFA) of Switzerland; their report attempts to define a perspective which is both principled and capable of providing guidance on practical issues.

The point of reference for all articles of the first part is an overview of the international debate on state failure and state fragility written by two scholars from the Graduate Institute of International Studies in Geneva, *K. Krause* and *O. Jütersonke*. In the selection of the other authors, we considered different disciplines. The initial debate was mainly driven by political scientists, only later sociologists, anthropologists and historians joined in the debate. The range of methodological approaches is nowadays wide. It is therefore hardly surprising that the positions of the contributors diverge and that their judgments do not entirely correspond to those of official sources. The analyses demonstrate that we can expect fruitful impulses from the ongoing dialogue between the policy making and the academic community and, within academia, between different disciplines.

The articles examine the great variety in the nature and intensity of state fragility. *Krause* and *Jütersonke* propose a distinction between the institutional dimension (leading to state collapse) and a core function dimension (leading to variants of state failure) as a means of gaining a better analytical grasp of the concept. The majority of authors are more or less critical of the form that a state should have according to predominant thinking, the model of the modern, democratic and welfare state based on the rule of law (as it has been formulated for example by OECD). The article by *A. Stahel*, by contrast, concentrates on the constitutive elements of statehood according to international law (territory, population and sovereignty) and underlines the importance

1 Collaborator of the Political Affairs Secretariat (POLS), Federal Department of Foreign Affairs (FDFA) of Switzerland

of including these constituents of statehood in the analysis.

The variety of motives that prompt external actors to intervene in fragile contexts is also discussed. The writers do not assume that an interest in strengthening statehood is the sole or even the decisive factor in intervention. Other motives are based on geo-political interests or on domestic considerations. Furthermore, the external interventions are driven by various sector policies, which have developed their own interests: military intervention (frequently legitimized in humanitarian terms), broadly based peace support, humanitarian aid, development cooperation, promotion of democracy. The articles rightly stress the interplay between these dimensions. But they also hold the view (emphatically in the article of *D. Carment, Y. Sami & S. Prest*) that the question of statehood cannot simply be allocated to one or other sectoral policy to which the goal of state building is tagged on as an additional task. Several authors argue that the formation of statehood does not lend itself to measurement or to recipes and see little point in indices and indicators. Other authors do not go this far but consider greater sophistication of indicators to be essential.

Fragile statehood should not (only) be seen as a condition (which is then defined as a deficit) but should also be regarded as a process involving dynamics that can lead to blockages, regress and progress. Contemporary consolidated states have formed over a long period of time. These considerations represent a central challenge for analysis and for action. *T. Raeymakers* and *T. Hagmann & M. Hoehne* for example illustrate this point when they discuss the role of "traditional" forces and of spoilers (of peace processes) in their case studies. Today's external interventions appear as mere pinpricks in comparison with the period of time required for the formation of states in Europe. *K. Schlichte* offers a number of telling insights on this subject.

The international community needs to be modest in its expectations of what can be achieved by external interventions and should display greater patience. States are not formed and shaped in "ideal" ways, with the different areas of statehood evolving in harmony with each other. They are the outcome of many – and frequently contradicting – forces. In our time, this historical fact is often forgotten.

The present issue shows the strength of Ariadne's thread; the muscles of Hercules alone don't help resolve the problem. However, even with the goddess's valuable tool in our hand, the maze of fragile contexts remains a daunting challenge for everyone involved. We should continue to seriously deal with the labyrinth, and strive to find out the best use of Ariadne's thread and sword.

Seeking out the State: Fragile States and International Governance

Keith Krause / Oliver Jütersonke[1]

The concept of fragile or failing states has become an integral part of the vocabulary of liberal internationalism. Incorporating both the institutional dimension of state collapse and the functional dimension of state failure, the narrative of fragility places the accent on the social and political realities of the state-building process. The language of fragile states highlights the dynamic nature of governance, and the challenges posed to the international community in promoting peace and security. Of interest are the role of external actors and spoilers within the context of fragile states, as well as attempts to devise ways of assessing the risk that a particular state will 'fail'.

Introduction

Although far from being a new phenomenon, the notion of state 'fragility,' 'failure' or 'collapse' has received increased attention in the past two decades. No longer supported by one (or both) of the superpowers, many former 'proxy allies' in the post-colonial world have found themselves cut off from economic and military support, often with the burden of having to deal with long-standing and unresolved grievances from suppressed parts of the population calling for self-determination or greater social and political recognition and economic justice.

The result has been the apparent inability of numerous regimes to maintain 'empirical' statehood and to function as viable state apparatuses. For many observers, the future for such states looked bleak; the pessimistic tone was well captured in an influential article published in the Atlantic Monthly in 1994 by Robert Kaplan, entitled "The Coming Anarchy." In a dystopic twist on Karl Marx, Kaplan presented a vision of future chaos resulting from the withering away of the central governments of modern states, in favour of tribal domains, "city-states, shanty-states, [and] nebulous and anarchic regionalisms."[2] At the same time, Gerald Helman and Steven Ratner popularized the concept of "failed states" in an article in Foreign Policy.[3]

The concept of fragile or failing states has subsequently become an integral part of the vocabulary of contemporary liberal internationalism. Beyond questions about state capacity, claims to 'sovereignty' or 'statehood' are no longer inherently given, but are increasingly based on meeting certain (seldom explicit) standards of performance. Statehood has to be continuously 'earned'. One prominent example of this is the emergence of the language of a "responsibility to protect:" states are deemed to have a duty to protect individuals on their territories against genocide, war crimes, ethnic cleansing and crimes against humanity.[4] The normative judgement that a state is 'strong' is no longer exclusively tied to its military might or economic power, but to standards of good governance: a strong state is one that not only has control over the legitimate means of force,

1 Professor and Research Coordinator, Graduate Institute of International Studies, Geneva

2 Robert Kaplan, "The Coming Anarchy," The Atlantic Monthly (February 1994), digital edition: www.theatlantic.com/politics/foreign/anarchy.htm. 1-32.

3 Gerald Helman and Steven Ratner, "Saving Failed States," Foreign Policy, No. 89 (Winter, 1992-1993), 3-20. However, as John Rapley recently pointed out in an article entitled "The New Middle Ages", not all cases in which private actors assume some of the functions of the state involve failure or chaos – Jamaican communities controlled by gangs involved in drug-trafficking are among the safest in the country. John Rapley, "The New Middle Ages," Foreign Affairs, Vol. 85, No. 3 (May/June 2006), 95-103.

4 International Commission on Intervention and State Sovereignty, The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty (Ottawa: International Development Research Centre, 2001).

but also fulfils its internal obligations – and thus, in turn, also possesses the authority to judge, as part of the international community, the performance of other states.

The current discourse on 'failed' or 'collapsed' states thus contains two (often implicit) definitions or benchmarks. The first concerns the 'stateness' against which any given state should be measured (the institutional dimension of state collapse), and the other concerns the normative and practical implications of such a failure (the functional dimension of state failure). In practice, state collapse is a rare phenomenon, but the failure of a state to fulfil its core functions, and its consequent political, social and/or economic fragility, are much more common.

Often, concern over the possibility of state failure has as much to do with dashed expectations about the achievement of modern statehood, or about the functions that states should fulfil, as it does with the empirically-observed decomposition or collapse of the institutions of governance. This is illustrated by the US National Security Strategy of September 2002, which argues that the United States is now less threatened by conquering states than it is by failing ones.[5] Today, rules of engagement with non-state armed groups as well as guidelines for intervention for humanitarian purposes are intricately linked to the discourse on 'failed states'.

For obvious reasons, the somewhat crude and normatively-laden terminology of state failure has led many experts, in particular those within the development community, to work for a more sophisticated understanding of states and the process of state-building. Not only is the notion of functional state 'failure' often misleading (one may think of the well-oiled genocidal machinery that kept functioning in Cambodia or Rwanda), but the negative connotation of 'weak,' 'failing,' 'failed' and 'collapsed' states is also not conducive to the efforts of the international community in aiding states in transition or those recovering from conflict. USAID, DFID (UK), the OECD, the World Bank, and a host of other actors have thus adopted the notion of 'fragile' states, understood to encompass a phenomenon that can take on a variety of forms and levels of intensity. Indeed, a number of attempts have recently been made to draw up indicators and indexes that measure states' degrees of vulnerability, some of which will be discussed below.

Of course, one need only study the current situation in Afghanistan or Iraq to demonstrate that the move towards the vocabulary of 'fragile states' does not automatically resolve the key issues of state-building, neither conceptually nor practically. Yet, following Christopher Cramer and Jonathan Goodhand's title "Try Again, Fail Again, Fail Better?,"[6] a deeper and more sophisticated recognition of the challenges faced by states, and by the international community, seems a necessary first step in the process.

Legitimacy and the Core Functions of the State

In order to think constructively about the challenges of state-building and fragile states, it is useful to situate contemporary statehood in a broader perspective. The discourse of statehood, as it developed through the process of state formation in Western Europe, revolves around three intertwined narratives of the state that encapsulate its core functions of providing security from internal and external threats, promoting welfare and wealth, and representing the political aspirations and ideals of the populations residing on its territory.[7] These three functions – security, welfare and representation – are all rooted in an understanding of a stable domestic order that emerges from some sort of social contract between states and their citizens.

5 President George W. Bush, The National Security Strategy of the United States of America, September 2002.

6 Christopher Cramer and Jonathan Goodhand, "Try Again, Fail Again, Fail Better? War, the State, and the 'Post-Conflict' Change in Afghanistan," in Jennifer Milliken (ed.), State Failure, Collapse and Reconstruction (Oxford: Blackwell, 2003), 131-155. "Try again, fail better" is from Samuel Beckett's Worstward Ho (London: Calder, 1983), 7.

7 For an elaboration see Jennifer Milliken and Keith Krause, "State Failure, State Collapse, and State Reconstruction: Concepts, Lessons and Strategies," in Milliken (ed.), State Failure, Collapse and Reconstruction, 1-21; as well as the special section of Security Dialogue, Vol. 36, No. 4 (December 2005), edited by Oliver Jütersonke and Rolf Schwarz. Cf. also Charles Tilly (ed.), The Formation of National States in Western Europe (Princeton, NJ: Princeton University Press, 1975).

They are also the central variables for testing a state's performance, and the foundation for a regime's legitimacy. Understanding how these functions are linked in a continuum of social action, and recognizing how state-building is about maximizing possibilities while coping with the tensions inherent in the fulfilment of these functions, is crucial to grappling with the phenomenon of fragile states.

An example of the intricate relationship between these core functions of the state is the evolving understanding of the link between security and development in the international community. Arguably these represented the two main pillars of multilateral action, but until the early 1990s ideas about development and security were pursued in parallel but disconnected institutional and political structures. The commonly held view in economic and development circles was that development was a precondition for security, and that increased economic development would almost automatically reduce the incidence of conflict within – and potentially even between – states. Increasingly, however, it has been recognized that in a situation of scarcity, development assistance and relief are precious commodities; if wrongly distributed, they may reinforce social cleavages and (paradoxically) sow the seeds of conflict and insecurity, rather than alleviate them.[8] More importantly, the development–security link is also being reversed, through the acknowledgment that the provision of basic security is often a precondition for political, social and economic development and well-being. Some noteworthy examples of this shift in thinking include the concept of 'security first,' the idea of 'sustainable disarmament for sustainable development,' and the focus on security sector reform (SSR) by major aid donors and international financial institutions.

Attempts at coming to terms simultaneously with all three functions can also generate serious tensions, however. As Mohammed Ayoob has argued, given that democracy is ultimately about the competition for power, a rapid attempt to increase political voice and representation when the institutional foundations of the state and its ability to deliver security and welfare remain weak, can have pernicious effects on the state-building process.[9] A further tension may exist between economic liberalization and structural reform, and the ability of the state to develop robust policy and service-delivery apparatus – particularly in situations where the imperatives of traditional patterns of rule (patronage or neo-patrimonialism) run directly opposite to the needs of state consolidation and long-term reconstruction. In such cases, meeting the combined needs of security, welfare and representation may require a piecemeal approach that is willing to defer advances in one sector temporarily for the sake of long-term stability. This choice is not politically or ethnically neutral, however.

The notion of 'fragile' states helps to capture these scenarios. In cases of transition and post-conflict states, performing all functions adequately in the short and medium-term may not be possible – the state will continue to 'fail' to fulfil some, if not all, of its functions. Focusing on fragility, however, puts the accent on the social and political realities of the state-building process. It emphasizes that state fragility is not an accidental situation, like a flood or an earthquake, but a process, and the result of a constellation of social, political and economic forces and pressures. A particular state may become more or less fragile with time, it may collapse into conflict but then re-emerge, perhaps in a different form. The language of fragile states highlights the dynamic nature of governance, and the challenges posed to the international community in promoting peace and security around the globe.

External Actors and Fragile States

Although not always officially or legally sanctioned, external involvement in state-building processes has been omnipresent, at the beginning of, during and after the heyday of the colonial project. It is nonetheless worth pointing out that the nature of involvement

8 See James K. Boyce, Investing in Peace: Aid and Conditionality After Civil Wars, Adelphi Paper 351 (New York: Oxford University Press, 2002); Deborah Maresko, "Development, Relief Aid, and Creating Peace: Humanitarian Aid in Liberia's War," OJPCR: The Online Journal of Peace and Conflict Resolution, Vol. 6 (2004), 94-120.

9 Mohammed Ayoob, The Third World Security Predicament (Boulder: Lynne Rienner, 1992).

in the state-building project has changed dramatically from the colonial period to today. Colonial and Cold War intervention was often military and political in nature, and undertaken in the service of geopolitical interests of the great powers. Of course, this has not entirely disappeared, and one could argue that the current global war on terror is in part based on the recognition that the inability of weak states to meet the basic needs of their people creates the conditions for predation, the emergence of non-state armed groups, transnational organised crime, and terrorism.

Today, however, broader engagement with fragile states is often undertaken more for humanitarian or development purposes, although it remains part of a larger liberal internationalist project of promoting peace, (human) security and sustainable development worldwide.[10] Usually grouped under the heading of 'peace support' or 'post-conflict peacebuilding,' such operations have become in many ways the core business of the international humanitarian and development community. Although forceful and non-coercive interventions during the violent phases of conflicts occupy most headlines, the crucial subsequent work of disarming and demobilizing ex-combatants, (re)building civil society institutions, creating conditions for economic and social development, and establishing political institutions to resolve and manage societal conflicts has become the mainstay of a large array of development and humanitarian nongovernmental actors, international institutions and national bodies.

The less interest-based nature of (some) of these interventions should not mask the dilemmas and paradoxes involved. All external involvement in local affairs rest upon a problematic relationship between external and local actors, and in some cases reflect what Michael Barnett and Martha Finnemore called "institutional pathologies of international organisations."[11] This issue is especially important when dealing with fragile states, where existential questions of survival for individuals, families or communities may be at stake. Indeed, policies and programmes in these contexts often request people to take on faith what for them are matters of life and death.

In all fragile state contexts, it is essential to understand how and why people are forced to rely on self-help measures – at the basic individual, family, or community levels – to protect their own security and well-being. Furthermore, it is crucial to comprehend under what circumstances they may have enough trust to work with external actors to help build political institutions that can provide for their security and well-being.

Any type of intervention, however, even the humanitarian variety, paradoxically can also weaken the very states and actors that it intends to promote. Usually armed with a cookie-cutter programmatic blueprint based on the most recent prior post-conflict scenario, the international community often runs the risk of not realizing that peacebuilding is ultimately about the reallocation of power among local actors. A 'quick-fix' mentality, over-reliance on the NGO model to attract funding, and the generally competitive nature of interactions among UN agencies and the donor community all tend to lead to a rather authoritarian wielding of political and economic power on the part of the interveners. In the eyes of the local population, international actors are thus often perceived as a party to the conflict, rather than an objective intermediary, and those local actors who depend on the international community for support can find their own legitimacy and credibility undermined.

The key principle that has emerged to guide the engagement of the international community working on state-building and fragile states is the international version of the Hippocratic oath: 'do no harm.'[12] This in no

10 Roland Paris, "International Peacebuilding and the 'Mission Civilisatrice'," Review of International Studies, Vol. 28, No. 4 (2002), 637-656.

11 Michael Barnett and Martha Finnemore, "The Politics, Power, and Pathologies of International Organizations," International Organization, Vol. 53, No. 4 (1999), 699-732. For examples from different issue areas see James Fergusson, The Anti-Politics Machine (Minneapolis, MN: University of Minnesota Press, 1994); Janine Wedel, Collision and Collusion: The Strange Case of Western Aid to Eastern Europe, 1989-1998 (New York: St. Martins, 1998); Jarat Chopra, "The UN's Kingdom of East Timor," Survival, Vol. 42, No. 3 (2000), 27-39; David Reiff, A Bed for the Night: Humanitarianism in Crisis (New York: Simon & Schuster, 2002).

12 Mary B. Anderson, Do No Harm: How Aid Can

way implies that the international community is powerless to act, or should not intervene in order to let the organic (and often violent and predatory) state-formation process run its course. Acknowledging the challenges of state-building should not lead one to slide back into historicist fatalism of immutable historical tendencies or culturalist accounts of inevitably violent places, nor should it lead into a politics of withdrawal. Given the increasingly global nature of the world economy, close links between diaspora groups, and cross-border and regional economic and social interactions of every sort, there is no way not to be involved. Instead, the crucial question concerns the suitable basis on which policies and programmes to further state-building may best be implemented.

Spoilers and State Fragility

Of particular relevance to our understanding of fragile states, in particular in post-conflict settings, is the phenomenon of 'spoilers.' Often the least well understood aspect of the peacebuilding process, spoilers are actors who seek to undermine or delay a particular peace process, or any process that endeavours to strengthen the state apparatus. Expressed differently, spoilers are individuals or groups who have often contributed to the erosion of state institutions in the first place, and who benefit from the existence or perpetuation of a fragile state.

Perhaps the most influential work on spoilers to date, by Stephen John Stedman, has sought to make sense of the phenomenon of spoilers by elaborating on a typology in terms of their position (inside or outside an agreement), the number of spoilers, the type of spoiler (limited, greedy, or total), and locus of the spoiler problem (leader or followers, or both).[13] By thus focusing on the elites involved in the negotiation and implementation of peace processes, the spoiler type becomes the independent variable in a causal mechanism determining success or failure of the process. Recently, Kelly M. Greenhill and Solomon Major have argued that it may actually be the other way round, namely that spoiler type does not determine the kinds of outcomes possible, but that the possible outcomes determine the type of spoiler that may emerge.[14]

In terms of policy recommendations, Greenhill and Major's approach suggests that the critical step in a peacemaking process should not be to define the type of spoiler one is confronted with, but rather to change "the decision calculus of active or potential spoilers by identifying (dis)incentives that can be put into place to discourage or forestall their emergence and the steps that can be taken to change the potential payoffs associated with cooperation versus confrontation."[15]

The debate concerning 'spoilers' highlights some of the difficult issues faced by those dealing with state-building in post-conflict settings, namely that fragility is created by someone (or some set of forces), and serves particular interests. It is the presence of spoilers (of all sorts) that makes state structures potentially fragile, but it is also this fragility that fosters spoilers. Any account of state fragility must therefore not only include the "devious objectives"[16] of those parties who are in disagreement with the 'liberal' peace proposed, but also examine the whole range of actors who profit from the state's inability to fulfil its core functions of providing security, welfare and representation. In such situations, "unusual predatory economic opportunities abound: a market for protection services, illicit and destabilizing commerce, and aid manipulation."[17] Moreover, certain actors such as warlords find their political base precisely in the insecurity and fear created by ineffective state organs. Rather than having

Support Peace – or War (Boulder: Lynne Rienner, 1999).

13 Stephen John Stedman, "Spoiler Problems in Peace Processes," International Security, Vol. 22, No. 2 (Fall 1997), 5-53, at 8.

14 Kelly M. Greenhill and Solomon Major, "The Perils of Profiling: Civil War Spoilers and the Collapse of Intrastate Peace Accords," International Security, Vol. 31, No. 3 (Winter 2006/07), 7-40.

15 Ibid., 8.

16 Edward Newman and Oliver Richmond, "Introduction. Obstacles to peace processes: Understanding spoiling", in Newman and Richmond (eds.), Challenges to peacebuilding: Managing spoilers during conflict resolution (Tokyo: United Nations University Press, 2006), 1-19, at 2.

17 Thomas G. Weiss and Peter J. Hoffman, "Making humanitarianism work," in Simon Chesterman, Michael Ignatieff and Ramesh Thakur (eds.), Making states work: State failure and the crisis of governance (Tokyo: United Nations University Press, 2005), 296-317, at 299.

a dispute with another party on a particular territory, these actors benefit from the power vacuum, and have no interest in a greater degree of formal governance structures. Another case would be organized criminal groups, such as drug cartels in Columbia, which are able to flourish precisely because the authorities are unable or unwilling to venture into the areas these groups effectively control.

In addition to the general lack of knowledge or insight into the motivations and strength of spoilers, the international community faces a commitment problem. The current situations in Iraq and Afghanistan amply illustrate that as long as local actors can resort to violence to increase the costs of the outside intervener, it is difficult to sustain a long-term commitment to reconstructing and strengthening state institutions. A real dilemma exists here: if an external commitment is linked to a fixed timeframe for exit, the victor will be the most patient party, willing to sit out the attempts by external actors to reshape the distribution of power and wealth. If, on the other hand, no exit timetables are set, one risks creating a dynamic of dependence, in which weak and vulnerable social actors depend for their security and well-being on external parties, more powerful parties manipulate and profit from the international presence, and the external parties become targets for disaffection and violence.

State Fragility and Early Warning

As the above discussion illustrates, there are potentially numerous paths to state fragility, and various forms this fragility can take on. It is this complexity that has led a number of think tanks, especially those close to donor governments, to attempt to devise ways of assessing the risk that a particular state will 'fail.' Yet it is also this same complexity that makes such efforts potentially controversial, both analytically and as a basis for sound policy-making.

Two such attempts at ranking state fragility have been launched by the Fund for Peace (in collaboration with the Carnegie Endowment for International Peace), and by the Country Indicators for Foreign Policy (CIFP), supported by the Canadian International Development Agency (CIDA). The Fund for Peace ranks countries "about to go over the brink" according to 12 "indicators of instability:" demographic pressures, refugees and displaced persons, group grievance, human flight, uneven development, economic decline, delegitimization of the state, public services, human rights, security apparatus, factionalised elites, and external intervention.[18] In 2005, the Ivory Coast came out first with a total of 106 points. The CIFP's state fragility index is somewhat more sophisticated, in that it employs relative assessments based on a state's levels of authority, legitimacy and capacity, together with cluster-based summaries in the areas of governance, economics, security and crime, human development, demography, and environment. There is also a cross-cutting gender dimension. Burundi tops its list, with a fragility index of 8.25 (out of 10).[19]

A comparison of the two lists already reveals some of the problems with such attempts at creating indexes of fragile states. For a start, the two methods bring very different results. In the Fund for Peace's Failed States Index, for instance, North Korea ranks 13th and Venezuela 21st; both of these states are missing from the top forty fragile states in the CIFP index. But even along the same indicators, the scores were far from similar. Zimbabwe and Myanmar/Burma scored highly in the Failed States Index in terms of demographic pressures, for instance, whereas in the CIFP index, their demography scores were among the lowest.

The lack of convergence among these two indexes is troubling, even if by itself this does not call into question the overall utility of such an exercise. Much more work needs to be done in order to be sure that such indexes are capturing adequately capture the mechanisms and actors involved in the active process of making states fragile. Moreover, even if such indexes manage to give a reasonable picture of a state's fragility, they do so only by providing a retrospective (and often blurry) snapshot of a particular point in time. They do

18 Foreign Policy and the Fund for Peace, "The Failed States Index," Foreign Policy, Issue 149 (July/August 2005), 56-65.

19 Country Indicators for Foreign Policy, Failed and Fragile States 2006: A Briefing Note for the Canadian Government (August 2006), available at http://www.carleton.ca/cifp

not yet help policy-makers determine whether a state is becoming more or less fragile, nor do they help identify key intervention points for policy-making. Policy and programming will require both a series of comparable measurements over time (the Fund for Peace has already published two lists, one in 2005, a second in 2006[20]), and a more qualitative and contextual analysis of the key elements of state fragility at a given point in time.

A Difficult Set of Policy Choices

The idea that fragile states need to be strengthened goes to the heart of the social contract between states and their citizens that is the basis of the modern state. The discourse of statehood revolves around three core functions of providing security, welfare, and representation. Which one to prioritize in policy and programmatic terms, however, is not clear, and there is no consensus on "where to start." Arguably, in post-conflict contexts, providing security is the primary duty that a state needs to fulfil for its citizens. It is the basic bargain evoked by Max Weber in his definition of the state as an organization that has the monopoly over the legitimate use of violence force. Yet when one asks people in Southern Sudan whether they are more or less secure today, their answer – yes – turns out to mean that they and their families are not starving, and that they enjoy greater "food security." So the local understanding of what their basic needs are, and what they should expect from state institutions, is not always self-evident.

When we look closely at contemporary peace and security operations in places such as East Timor, Haiti, or Southern Sudan, and their two to four-year timeframes, we must also recognize that the international community is trying to telescope a process that took decades – in some cases even centuries – in more established states. Moreover, the process of creating domestic order and security was not completed without a great deal of violent struggle against predatory elites, the medieval equivalent of contemporary warlords, repressive and authoritarian rulers, and so forth. Similarly, the struggle to create the conditions of the modern market economy – security of contract, respect for property rights, fair exchange – was not automatic or self-evident, and certainly involved a great deal of institutional innovation to guide the so-called "invisible hand" of the market. By attempting to break existing patterns of politics and forcing a reconstruction of social, economic and political relationships into a non-violent or non-coercive mode, the magnitude of the task that the international community is attempting in places such as Liberia, Afghanistan, and Kosovo is consequently enormous.

The menu of policy options that the international community possesses is vast, and includes such things as:

- disarmament, demobilization and reintegration programmes (DDR)
- security sector reforms (SSR)
- truth and reconciliation commissions (TRCs) and transitional justice arrangements
- democracy promotion efforts
- direct budget support to government departments
- NGO service delivery arrangements
- economic and structural adjustment reforms
- trade and investment liberalization agreements
- punitive and sanctions regimes

Most of these measures reach deep into the internal sovereignty and governance capacities of states, and attempt to reshape the relationship between states and their citizens.

As policies that the international community should promote to reverse state fragility, they also only make sense if one accepts that an externally-driven 'social (re)engineering' project can accelerate or substitute for a more 'organic' historical process of state-building that would otherwise be driven by local actors, instrumentally using external alliances and resources to consolidate their power or achieve their goals.[21] In other words, the policy

20 Foreign Policy and the Fund for Peace, "The Failed States Index," Foreign Policy, Issue 154 (May/June 2006), 50-54.

21 This vision leans heavily on Charles Tilly's account of state formation; see Tilly, "War Making and State Making as Organized Crime," in Peter B. Evans, Dietrich Rueschemeyer and Theda Skocpol (eds.),

challenge for the international community is to unpack the historical process by which contemporary states were built, determine how a stable and secure domestic order was created, and apply the 'recipe' – with appropriate adaptation to local circumstance – to difficult environments in which political, social and economic institutions are at their most fragile. The goal is ambitious, the tools (and knowledge) available to the international community is limited, and our expectations should be modest.

Bringing the State Back In (Cambridge: Cambridge University Press, 1985), 169-191; and Tilly, Coercion, Capital and European States, AD 990-1990 (Oxford: Basil Blackwell, 1990). For a more contemporary version, see Mohammed Ayoob, "Humanitarian Intervention and State Sovereignty," International Journal of Human Rights, Vol. 6, No. 1 (Spring 2002), 81-102.

Assessing Fragility: Theory, Evidence and Policy

David Carment / Stewart Prest / Yiagadeesen Samy[1]

Since 1997, CIFP has been working with the Canadian government and its international partners to develop effective policies for responding to intrastate conflict.[2] In the last five years, it has broadened the scope of its activities beyond its initial focus on country level, structural indicator-based conflict risk assessment. The project has developed a private sector component and has been engaged in training exercises. In 2005, the CIFP project embarked on an initiative in response to the significant challenge posed by fragile and failing states, particularly in the face of continuing emphasis on streamlining aid effectiveness. This article is written to help the development community to identify, assess, and monitor fragile states. It provides a conceptual framework and identifies a suite of tools that encompass the monitoring, forecasting and evaluation of failed and fragile states, as well as the assessment of supporting policies intended to address the challenges fragile states represent.

1. State Fragility: Theory and Policy

Both theory and policy on state fragility are poised to move beyond post-Cold War "first generation" perspectives which tended to equate failure with armed conflict and institutional breakdown resulting from war and intrastate struggle. These "first generation" approaches focused on mono-causal explanations of state performance by giving credence to claims that failure and collapse were a function of political discord, open conflict between groups, and the failure of state, and in some cases international, institutions to regulate armed conflict. For example, in their introduction to this issue, Krause and Jütersonke identify a number of explanations for state failure that are consistent with "first generation" research. Their evaluation emphasizes the security-failure nexus as justification for a more concerted international effort to address the problems of state weakness, whether through development assistance or the deployment of third parties to shore up or rebuild weak security institutions. They cite the US National Security Strategy as an example of policy specifically tailored to the problems of the security-failure nexus. 11 September 2001 was fundamental to this way of thinking. Disengagement disappeared as an option as Western nations in general, and the US in particular, came to equate their own national security with stability and order in the world's poorest and poorest governed regions. The goal would no longer be purely developmental, but would also be related to security at the local, regional, and global levels.[3]

Further, Krause and Jütersonke's analysis speaks of fragility as a process that conflict-ridden states either enter into as a result of institutional failure or that they emerge from, in those cases where a political accord has been reached and a peace process has been put in place. Such assumptions are

1 D. Carment, Professor of International Affairs, Y. Samy, Assistant Professor of International Affairs, S. Prest, Senior Researcher, all members of CIFP, Norman Paterson School of International Affairs, Ottawa

2 "Since 1997, the Country Indicators of Fragility (CIFP) has collected statistical information on a range of issues related to the political, economic, social and cultural encironment of countries around the world. It is working in cooperation with the Government of Canada and its international partners, as well as private sector and non-governmental organizations."

3 See for example the policy of the United States Government, "The National Security Strategy of the United States of America," (Washington D.C.: The White House, 2002), available, <http://www.whitehouse.gov/nsc/nss.html>. Some recent research suggests that aid decisions have become even more politicised since 11 September 2001. See for instance Mark McGillivray, "Aid Allocation and Fragile States," Background Paper for the Senior Level Forum on Development Effectiveness in Fragile States, 13-14 January, 2005, available: <www.oecd.org/dataoecd/32/43/34256890.pdf>.

understandable, since the 1990s were witness to a number of catastrophic state failures and collapses, including Bosnia and Herzegovina, Somalia, Liberia, and Sierra Leone to name but a few. Indeed, because the empirical evidence of this relatively short period in the history of state development suggested that the formation and collapse of states was very much driven by large-scale organized violence, first generation research on state failure tended almost exclusively to equate failure with armed conflict.

Not surprisingly, the policy options and analytical tools for external actors that emerged from this period tended to bifurcate into two camps. The first stressed the importance of underlying or root causes of state weakness as drivers of conflict, which in turn generated state failure; the second focused on the competing agendas of state and non-state actors within the political and economic arenas. In the former case, some went so far as to suggest that poverty itself – defined in either absolute or relative terms – was a source of failure.

In the latter case, the literature tended to focus on competing group agendas, whether driven by greed or by legitimate grievances as determinants of conflict. Further, the "first generation" analytical tools that derived from these explanations tended to give undue emphasis to the "failure equals conflict" explanation. For example, the Fund for Peace failed states index, cited in Krause and Jütersonke's introduction, ranks states according to a complex array of indicators and events associated with shifting stakeholder agendas. Almost exclusively those states that rank high on their list are those experiencing, emerging from or entering into large-scale conflict.

Such research tools and explanations are legitimate of course if the underlying need is to develop policy on armed conflict, but they do not enhance our understanding of the causes of fragility. Nor do they help us develop more effective policies on state fragility that occurs in the absence of large-scale armed conflict.

We make this argument for several reasons. First, when properly channeled, non-violent conflict is a normal facet of political and social life in all states. Organized large scale violence on the other hand is a symptom rather than a cause of fragility. While it may be present in many failed and fragile states, not all of them experience large scale violence. In fact, violent conflict is too narrow a lens through which to understand why states become fragile and why some fail. Finally, when violence does occur it is usually too late to respond effectively except through costly operational responses such as military intervention.[4]

By the same token, poverty itself is also not a good measure of fragility. Poverty is usually a symptom of a host of causal factors related to a state's authority, capacity and legitimacy. It is true that many failed and fragile states are poor, but they also suffer from unequal distribution and weak governance, among many other problems. There is a strong correlation between the low level of a country's GDP/capita and the negative effect that has on neighbouring states. It is important to understand how a state is performing in a regional comparative context and not just in absolute terms.

In brief, moving towards "second generation" explanations of state fragility and developing effective policy on them requires a com-

4 This is not to suggest that analysts and policy makers would be unwise to focus on the all important security dimensions. We know that fragile and failed states constitute a security risk in a number of important ways. First, they are a risk to their people because they lack capacity, resulting in a lack of basic security. They lack governance, resulting in the inefficient and inequitable distribution of public goods and they lack control over violence within their territory, resulting in further division and weakness, and the diffusion of conflict from other jurisdictions. Failed and fragile states are also vectors for transnational threats and global problems because they lack capacity to prevent the transmission of diseases such as avian flu; they are unable to control the transmission of AIDS; they host base-camps for transnational criminal networks; their weak border control provides opportunities for human and drug trafficking, and other forms of smuggling; and their internal conflicts create refugee flows that upset the demographic balance of neighbouring states. Finally, failed and fragile states are regional and international risks because they are more likely to engage in risky behaviour that is in violation of international laws, rules and principles; they provide support for the diffusion of weapons of mass destruction; they engage in hostile interactions with their neighbours; their weakness attracts foreign intervention; and their diaspora groups may become conduits of conflict diffusion and contagion.

bination of contextual analysis and generalization. Context is necessary to ensure that we get the right combination of causal factors and changes in stakeholder behaviour that permits the application and sequencing of effective policy. Generalization is necessary to provide a basis for cross-state comparison in order to monitor, gauge and evaluate state performance at the strategic level. To this end, structural performance measures are useful for defining state failure only if there are appropriate reference cases from which to compare. State failure and fragility are relative terms that have meaning only with respect to state performance at specific points. Context is important and, therefore, a proper reference for understanding state failure and fragility is a state's past, present and future performance in absolute terms, along with its performance relative to other states at any given point. A proper assessment of state fragility cannot be read from structural indicators alone. Constant monitoring must be part of the analytical process.

One crucial assumption we make is that failed and fragile states are qualitatively different from one another, with unique problems that often require novel policy responses. We specify these features in detail below; suffice it to say that a fragile state's uniqueness is due to a weakness in one or more key features of authority, capacity and legitimacy. Using structural data, CIFP has developed an index of state fragility, complementing it with events-based monitoring of countries that are of interest to policy makers. The CIFP fragility index is based on the idea that a state needs to exhibit three fundamental properties (authority, legitimacy and capacity) and that weaknesses in one or more of these dimensions will impact on the overall fragility of a particular country.

- **Authority** refers to the ability of the state to enact binding legislation over its population and to provide the latter with a stable and safe environment.
- **Legitimacy** refers to the ability of the state to command public loyalty to the governing regime and to generate domestic support for government legislation being passed and policies being implemented.
- **Capacity** refers to the power of the state to mobilize public resources for productive uses.

The three dimensions are subsequently abbreviated with ALC.

In brief, states become fragile and fail for different reasons. The capacity problems that beset the fragile states of sub-Sahara'n Africa are distinct from the legitimacy and authority problems of the fragile states of Central and South Asia. For example, in our country rankings, Pakistan and Sri Lanka exhibit poor performance on measures of authority and legitimacy, while middle performers in Africa such as Ghana, Kenya and Tanzania are faced with capacity problems. Of course, those that show up repeatedly at the top of our rankings are those that face challenges in all three categories.

Given these fundamental differences in fragility many donor governments now believe that outside involvement must be coordinated at the strategic level. Accordingly, there have been some attempts to reach a level of consensus on issues of vital importance to programming in failed and fragile states. The first area of consensus is that policy must be grounded in an ongoing process of risk assessment and monitoring. Such tools must be able to identify countries at risk and provide guidance as to the type of engagement required. Further, the assessment must draw on the widest range of possible indicators in order to capture measures of authority, legitimacy and capacity. To focus on a single factor such as governance or violence is to invite incomplete analysis of the problem, and ineffective engagement as a result. In addition, monitoring must provide some type of early warning to allow for policy deliberation and resource mobilization, vital prerequisites of timely and effective engagement.

2. CIFP Methodology and Policy Impact

To this end, since 2005 CIFP has been conducting a second generation analysis on fragile states, developing a methodology that combines dynamic event and stakeholder analysis with statistical information to produce context-rich country assessments that are nonetheless still comparable against the performance of peers. The analysis begins with a structural profile of the country, a composite index that measures overall country

fragility along six dimensions or clusters: governance, economics, security, human development, demography and environment. Each of these clusters is based on a number of indicators; for example, indicators under the 'economics cluster' include economic growth, gross domestic product, inflation and unemployment, to name but a few. The data is further analyzed to provide insight into relative state strength and weakness along the three dimensions of 'stateness' referred to above, namely authority, legitimacy, and capacity. This multidimensional assessment methodology is a direct response to the multicausal nature of fragility and failure. States can weaken in any number of ways. Any attempt to attribute fragility to a single deterministic set of causal variables such as poverty or conflict, will capture only a limited subset of all fragile states. Instead, CIFP adopts a more inductive approach, identifying areas of relative strength and weakness across all measures of state performance. It is this inductive and multifaceted approach to fragility and failure that distinguishes CIFP's country database from conflict driven first generation projects such as the Fund for Peace failed states project.

Like its predecessor, the CIFP conflict risk index, the fragility index employs a methodology of relative assessment. In ranking state performance on a given indicator, global scores are distributed across a nine-point index. The best performing state receives a score of one, the worst a score of nine, and the rest are continuously distributed between these two extremes based on relative performance. As country performance for some types of data can vary significantly from year to year – as in the case of economic shocks, natural disasters, and other externalities – averages are taken for global rank scores over a five-year time frame.

North Korea provides an intriguing example of how second generation analysis can produce results that are both more intuitively satisfying and more useful to policy makers than those emerging from a simple indexing exercise. In the pending 2007 CIFP fragility index, North Korea is ranked 52nd overall. However, when fragility is measured on any one of the ALC dimensions, a much more nuanced picture emerges. Balanced against middling rankings for both authority and capacity is an extremely weak legitimacy score; North Korea ranks as the third most fragile state in terms of legitimacy. Given North Korea's current status as international pariah, such a finding has a high level of intuitive appeal. With its low level of legitimacy, the regime might be termed brittle – endowed with sufficient authority and capacity to maintain control of state borders and territory, but highly vulnerable to exogenous shocks. The result thus conveys more useful information than a simple rank ordering of states according to the level of development, or the presence of conflict-inducing factors, providing a springboard to further discussion of the policy options available to the international community.

To its baseline structural assessment, CIFP adds further dynamic elements to the analysis, thereby providing the contextual component necessary for true second generation fragile state analysis. Events data, external and internal stakeholder analysis, and scenario generation all combine to provide the context necessary to understand the dynamic elements of state performance. Such analysis seek to uncover and highlight for policymakers the emergent trends within a given state (both positive and negative), identify how actors and stakeholders might react to such developments, and provide an evaluation of the possible consequences for policy and programming initiatives in the country. This dynamic data, when combined with initial structural findings, provides an assessment of both the underlying conditions and recent developments in a given country, thereby informing a more nuanced and ultimately more policy-relevant analysis of state fragility.

The following diagrams provide examples of the type of output that CIFP produces as part of its fragile state analysis, both taken from a recent fragility report on Colombia.[5] Figure 1 compares Colombia's ALC footprint to the regional average; as one might expect, the country suffers a gap in its level of authority as a result of long running conflict and the government's inability to exercise control over its territory and borders. State legitimacy

5 Kevin Wyjad, "Fragile States Brief: Colombia," Country Indicators for Foreign Policy, Fragile States Brief No. 1, May 2007.

and capacity remain comparable to regional averages however, providing numerous entry points for international actors.

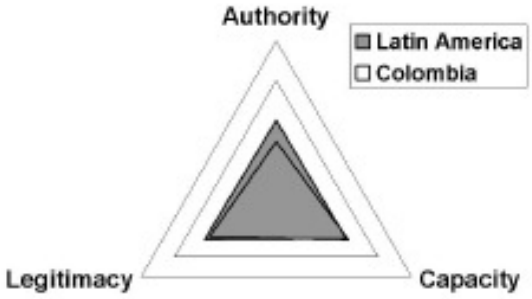

Figure 1

Figure 2 combines structural and event data at the sectoral level. The overall level of risk is determined using CIFP's structural database, while the event barometers are produced using observations collected over a six month period extending from September 2006 to February 2007. As part of its events analysis, CIFP observes and analyzes all events reported on a given country from a variety of information sources – both domestic and international – over a given period, and uses that information to enable further understanding of emerging trends in the country.[6] The barometer indicates the average score of events during the period, both aggregately and broken down by sector, as well as the event trend line for each cluster, defined as the slope of the ordinary least squares regression line of the weekly event average over the full observation period. Put more simply, the arrow indicates whether events tended to become increasingly stabilizing or destabilizing over the period observed. In Colombia's security and crime clusters the news has been bad and is getting worse; in economics and human development the news has been good and getting better; while in governance the status quo persists. When combined with structural data, the resulting analysis provides a generally comparable, yet contextualized portrait of a given state's fragility.

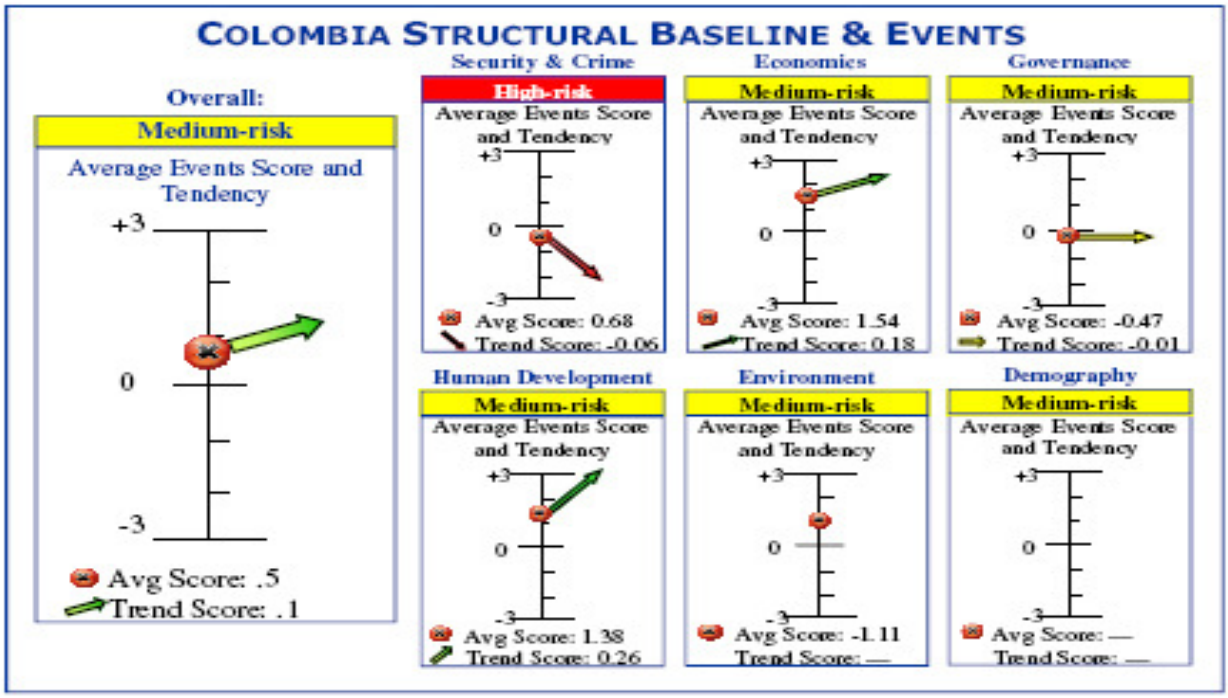

Figure 2

6 All events are human coded, with analysts asked to answer four questions for each event. (1) Is the event stabilizing or destabilizing? (2) On a scale of 1-3, how direct is the impact of the event on state stability? (3) On a scale of 1-3, how broad is the impact of the event in terms of state stakeholders? (4) On a scale of 1-3, how intense is the event in the context of other similar events?

Once analysis is complete, the CIFP state fragility assessment framework feeds into policy analysis at both the strategic and operational level. Strategically, such assessments allow policymakers to evaluate the strengths and weaknesses of a given state, specify entry points where the international community might profitably direct its energy and resources, and provide a metric with which to measure fragile state performance over time in comparison to itself and others. Second generation analysis thus seeks to answer the following questions for policymakers: What are the priority countries? Where can the international community respond most effectively? Which department(s) should lead/contribute to the response? How should resources be allocated? At the operational level, second generation analysis provides a monitoring capability that informs operational goal-setting and measure policy effectiveness. Typical questions at the operational level include: Where/What are the primary sources of instability? How do recent events/trends affect policy formation and implementation? Are policies having an impact? Though both sets of questions may be answered using the same basic data, they require substantively different approaches to analysis.

3. Evidence on the Causes of Fragility

CIFP's indicator dataset stands at the centre of the project's efforts to inform government, academia, and the private sector about the potential for countries and regions to experience failure and fragility. As noted above, aside from the overall fragility index score, CIFP provides separate scores for the ALC components as well as for six indicator clusters (governance, economics, security, human development, demography, environment), with gender as a cross-cutting theme. The dataset includes more than 190 countries and the different scores are based on more than 70 indicators. An examination of state fragility using the ALC framework, based on data from the period 1999 - 2005 reveals a number of things. At the top of the list is Burundi (the most fragile state) followed by the Democratic Republic of the Congo, Afghanistan, Somalia and Liberia. "When the data is broken down into ALC components however, few states appear on in the top 20 of all three lists (even if some appear in more than one). This in itself is evidence that fragility manifests itself in different forms." "When broken down further in terms of the six indicator clusters, no state appears in the top 20 of all six, or even five different clusters; relatively few appear on four lists, again an indication that fragile states face different challenges." As the list is expanded to include the 30 or 40 most fragile states, the diversity along different dimensions becomes even more pronounced.

The literature on state fragility is still in its infancy and there have been very few attempts at systematically finding its leading causes. By relying on the extant literature, and by identifying lead indicators from each of the six indicator clusters mentioned above, we estimated a parsimonious model with fragility as the dependent variable. Independent variables for the benchmark model included the level of income, the country's growth rate, its level of democracy and its trade openness. This baseline model is thus controlled for economic (internal and external) and political factors as hypothesized in the theoretical literature. Additional variables such as human rights empowerment, ethnic diversity and ethnic risk were then added to the baseline model to see whether they confirmed some of the existing hypotheses about state fragility, and non-linearities (see Carment et al. 2006) were investigated. Both Ordinary Least Squares and logit regressions (where fragility was dichotomized) were estimated for a sample of countries with fragility scores of 4 and above (essentially, excluding all high-income OECD countries and leaving us with about 156 countries). Dummy variables were also included to capture regional biases.

Our results, based on cross-country regressions for data averaged over the period 1999-2005 reveal that the level of development (measured by per capita gross domestic product) is the most important determinant of state fragility; poorer countries tend to be more fragile than richer countries on average, and this result is robust to different estimation methods, specifications, sample variations and even when accounting for reverse causality (endogeneity). Growth, the level of democracy and openness to trade were also found to be important factors. Countries that grow faster, that are democratic and that are

open to trade tend to be less fragile. The non-linear U-shaped relationship between fragility and the level of democracy was confirmed, as well as the significance of variables related to ethnic diversity. However, these factors were less robust than the level of development; for example, when the sample of countries was restricted to ones with weaker fragility scores, the trade openness variable was no longer significant. We believe that future testing using panel data, thus controlling for country and time effects, should give us a better idea of the causal mechanisms at work.

Complementing the analysis of the leading causes of fragility with the ALC framework yields important insights for aid allocation to fragile states. Analysts and policy makers working in the area of international assistance face an important dilemma. Despite criticisms, the well-known study by Burnside and Dollar (2000) that aid works in good policy environments continues to receive broad support among the donor community (the implication is that aid does not work in fragile state environments). On the other hand, neglecting these countries may in fact accentuate poverty and lead to further weakening of the state. As argued in Collier and Chauvet (2005), the cost of disengagement from fragile states can be extremely high and more harmful in the long term to international peace and security. They estimate the cost of a country falling into LICUS status to be US$ 80 billion on average (by comparison, the worldwide total ODA for 2006 was about 25% higher at US$ 103 billion!), with most of the cost being borne by neighboring countries. Policy makers, therefore, need to be sensitive to fragile environments in making decisions on where and how to allocate aid, especially in a post 9/11 world where linkages between security and development are real.

Even if one were to assume that aid can and does have an impact, regardless of the policy environment (for example, as in Hansen and Tarp (2000)), one needs also to think about the types of interventions that can take place in fragile states, beyond simply increasing funding. We believe that the ALC framework can be a useful tool in decision-making (for example, when deciding about program vs. project lending, choosing between targets such as poverty reduction or governance, or when considering the absorptive capacities of recipients). The fact that the most fragile states rank differently in terms of their ALC components, correlations among them notwithstanding, is an indication that certain areas need to be prioritized over others. Lack of capacity, which was confirmed by the initial testing of our data, seems to be important. But to the extent that this may be correlated with the other components, namely, authority and legitimacy, and given that our data shows some countries to be more deficient in those sectors, a one-size-fits-all approach such as focusing on governance or on poverty may not be the appropriate solution for all fragile states. Clearly, country-specific patterns need to be identified first. Finally, the lessons learned from more than fifty years of development assistance (such as the lack of enforcement of conditionality, the failure of aid to buy policy reform, the volatility of aid flows, fungibility and diminishing returns on aid) can all be applied to fragile states and examined more closely using the ALC framework.

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Failed state or failed debate? Multiple Somali political orders within and beyond the nation-state

Tobias Hagmann / Markus V. Hoehne[1]

The current literature on state failure and collapse depicts African states in virtually pathological terms. This article challenges this viewpoint on both theoretical and empirical grounds. Its authors draw attention to the multiple forms of statehood that have emerged in the Somali-inhabited territories of the Horn of Africa since 1991. The comparative analysis of these Somali political orders demonstrates that state formation in Africa contradicts central tenets of the state failure debate and defies Western models of the nation-state.

A spectre is haunting the international community – the spectre of failed states in developing countries that are unable to provide security and welfare for their citizens. African states have occupied a prominent place in the discussion about state failure, collapse and reconstruction which gathered momentum in the mid-1990s. According to the dominant rhetoric, in the aftermath of the Cold War African states have fallen prey to criminalization, globalization, privatization and endemic violence that threaten both human and global security. Consequently, academic and policy discourse portrays post-colonial African states in virtually pathological categories; they are perceived to be threatened by 'collapse', 'failure', 'fragility' and 'weakness' as they degenerate into nightmarish 'shadow' or 'quasi' states.[2]

It is undoubtedly true that contemporary African statehood is 'weak' when compared to European statehood and when evaluated against the background of an ideal-typical, rational-legal state apparatus as described by Max Weber. Likewise, the incapability of many states in poorer parts of the world to deliver public services, to represent society at large, and to uphold law and order is a major development problem that needs to be addressed. It is in this respect that the literature on failed states deserves merit as it (re)emphasizes the vital contribution of public actors and institutions in bringing about peace, development and prosperity. However, and most unfortunately, the failed states debate has failed to provide the appropriate analytical tools for a better understanding of contemporary African statehood.

What is the reason for this intellectual shortcoming? For the most part, the debate reveals a dogmatic assumption and wishful thinking that all states will – in the long run – converge towards a model of Western liberal democracy. This model serves both as the institutional guideline for external state-building and reconstruction efforts, and as the intellectual benchmark against which all existing forms of statehood are evaluated. This article questions this belief in the 'state convergence' model and identifies four key problems of the failed states debate, which we illustrate with case material from the Somali-inhabited territories of the Horn of Africa. Here, state collapse and weakness are entrenched features of political life. But here also, local and regional political orders exist within and beyond formal state structures. These are seldom recognized internationally or acknowledged in the state failure debate.

Failures of the state failure debate

The state failure debate is confronted by

1 Lecturer, Department of Geography, University of Zurich, e-mail: tobias.hagmann@geo.uzh.ch PhD student, Max Planck Institute for Social Anthropology, Halle/Saale, e-mail: mhoehne@eth.mpg.de

2 Krasner, Stephen D. and Carlos Pascual, "Addressing State Failure", Foreign Affairs, (July/August 2005), 153-163; Rotberg, Robert I., "The Failure and Collapse of Nation-States: Breakdown, Prevention, and Repair" in Robert I. Rotberg (ed.), When States Fail: Causes and Consequences (Princeton: Princeton University Press, 2004), 1-45; Zartman, William I., Collapsed States: The Disintegration and Restoration of Legitimate Authority (Boulder: Lynne Rienner, 1995).

empirical, analytical, normative and practical challenges of considerable proportion. First, the labels that are heard most often in the state failure debate gloss over important differences between existing states rather than accounting for these differences. For instance, many so-called 'weak' African states boast security apparatuses that are capable of considerable political repression. On the other hand, unrecognized or *de facto* states that are described as 'fragile' may enjoy more popular legitimacy than their recognized counterparts.[3] Much of the state failure discourse grasps neither these empirical contradictions nor the variegated historical trajectories of state formation and erosion. Authors and external observers tend to assume that the driving forces of state collapse are to be found within a given state or society. However, the fact that failing states are embedded in the 'world system' is rarely considered: endogamous factors (civil war, ethnicity, authoritarian rule etc.) are given precedence over exogamous factors (external interventions, international political economy etc.).[4]

Second, because most observers equate the absence of central government with anarchy, false conclusions are drawn once a state has been classified as 'failed' or 'collapsed'. Robert I. Rotberg, one of the prominent authors on this topic, describes collapsed states as "a total vacuum of authority" and "a black hole into which a failed polity has fallen".[5] Scholars from traditionally state-centered disciplines such as political science or international relations have a hard time imagining that life can continue in the absence of the state. In reality, however, alternative actors perform the core state functions that the state no longer fulfills when it abandons a certain space.[6] Contrary to the idea of chaos and anomy associated with state retreat, non-state actors are often capable of providing basic governance and security at a local level. This observation does not imply that statelessness is socially desirable or without dire consequences for the population concerned. On the contrary, in the case of Somalia, its population has survived despite the absence of a functioning central government since 1991 by enduring and partly overcoming the breakdown of the basic material infrastructure.

Third, the 'state convergence' model leads to the biased notion that the modern state as it has developed in Europe and North America over recent centuries is 'accomplished', 'mature', and 'stable', while the state in the global South is 'undeveloped', 'pre-modern' and 'fragile'. Thus, 'the state' has become a reified idea, a 'thing', which is *a priori* assumed and taken for granted. As a result, public and academic debates tend to overlook the often violent and unforeseen processes which, historically, have accompanied the formation of states. Likewise, existing variations of statehood as well as the historical normality of collapse are generally ignored.[7] This biased perspective offers no way "to theorize about arenas of competing multiple sets of rules, other than to term these as negative, as

3 According to Pegg *de facto* states are "entities which feature long-term, effective, and popularly supported organized political leaderships that provide governmental services to a given population in a defined territorial area. They seek international recognition and view themselves as capable of meeting the obligations of sovereign statehood. They are, however, unable to secure widespread juridical recognition and therefore function outside the boundaries of international legitimacy." Pegg, Scott, International Society and the De Facto State (Aldershot: Ashgate, 1998), 4.

4 An elaborated perspective on processes of state formation in 'world society' is provided by Schlichte, Klaus, Der Staat in der Weltgesellschaft: Politische Herrschaft in Asien, Afrika und Lateinamerika (Frankfurt a. Main: Campus, 2005).

5 Rotberg, Robert I., "The New Nature of Nation-State Failure", Washington Quarterly, Vol. 25, No. 3 (Summer 2002), 90.

6 Engel, Ulf and Andreas Mehler, "'Under Construction': Governance in Africa's New Violent Social Spaces", in Engel, Ulf and Gorm Rye Olsen (eds.), The African Exception (Aldershot: Asghate, 2005), 93; see also Raeymaekers in this issue and Clapham, Christopher, "Rethinking African States", African Security Review, Vol. 10, No. 3 (2001), unpaginated.

7 Within political science, Charles Tilly's work remains a remarkable exception. Tilly, Charles, "Reflections on the history of European state-making", in Charles Tilly (ed.), The Formation of National States in Western Europe (Princeton: Princeton University Press, 1975), 3-83 and Tilly, Charles, Coercion, Capital, and European States, AD 990-1992 (Malden, MA: Blackwell Publishing, 1992). See also Eisenstadt, Shmuel N., "Beyond Collapse", in Norman Yoffe (ed.), The Collapse of Ancient States and Civilizations (Tuscon: University of Arizona Press, 2003 [1988]), 236-243 and Doornbos, Martin, Global Forces and State Restructuring. Dynamics of state formation and collapse (Basingstoke: Palgrave Macmillan, 2006).

failures or weak states or even non-states."[8] African societies are especially and frequently portrayed as inherently resistant to modern nation-statehood and, consequently, as the 'deviant other' of Western societies.[9] At the policy level, this assumption leads observers to the false notion that a disinterested, well-meaning international community is here to help rebuild states in the global South for purely humanitarian motives. However, European and other histories teach us that state formation never follows a universally applicable 'recipe'. Moreover, the dynamics of external intervention in Somalia since 1991 illustrate that, while humanitarian motives cannot be completely dismissed, external engagement is strongly linked to the complex domestic and other agendas of the interfering powers.[10]

Fourth, reflections on state failure and collapse frequently culminate in recommendations on how to strengthen or repair fragile or collapsed states. Analytical tools are proposed which aim to diagnose domestic conflicts and political dynamics in the states 'under treatment'. Methodologically, however, indexes measuring state (in-)stability and conflict risks are highly questionable. At the practical level, recent experiences with blueprints for state reconstruction in Afghanistan, Iraq and Somalia have demonstrated that the external engineering of political processes does not bring about the desired results, at least not in the manner anticipated nor within a relatively short time scale. Despite these failures, policy-makers cling to top-down state-building scenarios that leave little room for alternative models of statehood. Furthermore, peace and state-building are often assumed to be parallel, mutually-reinforcing processes, buttressed by liberal and market economy solutions. However, European history indicates that violence, war, military expansion, social exclusion and economic exploitation lie at the heart of the processes of state formation, much as they did in pre-colonial Africa and indeed in the foundation of African colonial states.[11] As Krause and Jütersonke correctly note in their introduction to this issue, the assumption that these dynamics can be 'telescoped', lacks empirical foundation.

The following section provides a brief overview of the multiple political orders that have evolved across the Somali-inhabited territories of the Horn of Africa. Our focus is on the period since the disintegration of the Somali Democratic Republic and the coming to power of the new Ethiopian regime after 1991. In the past 16 years, a multitude of local governance systems, both formal and informal, have emerged within and outside Somalia. While Somalis living in eastern Ethiopia formally belong to a sovereign state run by a functional central government, most rural inhabitants of Ethiopia's Somali Regional State live beyond the effective reach of state administration. Conversely, inhabitants of the self-declared Republic of Somaliland enjoy a relatively higher degree of statehood but are deprived of international recognition. In the north-eastern part of Somalia, the autonomous regional state Puntland has emerged as an embryonic public administration supported by an alliance of different Darood/Harti clans. Finally, the international community has undertaken several attempts to re-establish a central government for Somalia. Most recently, the Transitional Federal Government (TFG) has been given international recognition and has received massive Ethiopian military support in an endeavor to crush an Islamist movement within Somalia.

Empirical statehood in the Somali territories

Ethiopia's Somali Regional State came into existence when the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) federalized the country on an ethno-political basis. In June 1992, Somalis in what was

8 Migdal, Joel S. and Klaus Schlichte, "Rethinking the State", in Migdal, Joel S. and Klaus Schlichte (eds.), The Dynamics of States (Aldershot: Ashgate, 2005), 12.

9 Hill, Jonathan, "Beyond the Other? A Postcolonial Critique of the Failed State Thesis", African Identities, Vol 3, No. 2 (October 2005), 139-154.

10 Hoehne, Markus V., Somalia zwischen Krieg und Frieden. Strategien der friedlichen Konfliktaustragung auf internationale und lokaler Ebene, (Hamburg: Institut für Afrika-Kunde, 2002). 62 - 73, 123-126.

11 On the links between violence and capitalist transition see Cramer, Christopher, Civil War is Not a Stupid Thing: Accounting for Violence in Developing Countries (London: Hurst and Company, 2006).

formerly known as the Ogaden Province elected their own regional administration for the first time. The Ogaden National Liberation Front (ONLF) had ruled the regional state until 1994 when they fell out with the Ethiopian federal government, which opposed their secessionist agenda. Consequently, an alliance of non-Ogaadeen clans supported by the EPRDF took over the regional state, while the ONLF retreated to the bush and waged an armed rebellion. Since 1998, the EPRDF-friendly Somali People's Democratic Party (SPDP) has controlled all key administrative positions within the Somali Regional State. Although the SPDP has won successive regional and local elections, the region has been characterised by chronic political instability and violent conflicts. Despite an ongoing decentralization program, state expansion within the Somali Regional State remains rudimentary. Outside major urban centers such as Jijiga or Godey, public service delivery is extremely limited, if not non-existent. In rural areas, state presence is mostly limited to sporadic food aid deliveries, federal military camps in the region's district capitals, and occasional campaigns to halt clan conflicts.

Besides recurrent clan conflicts over land and water resources, the introduction of 'ethnic federalism' in Ethiopia's Somali lowlands exacerbated competition for political resources throughout the 1990s. As access to state budgets and political representation within the region depends on the ability to occupy a distinct territory, clan groups fought increasingly for control of administrative structures such as villages or districts. In addition, the ONLF rebellion has gained momentum in recent years, thereby effectively excluding considerable portions of Ogaadeen clan territory from direct Ethiopian military control. While the northern and southern stretches of the Somali Regional State have remained largely peaceful, central parts of the region are still in a situation of 'no peace, no war'.[12] Local political decision-making is mostly taken care of by elders who may support either clan, government or ONLF interests. Conflict resolution and security maintenance are delegated to customary authorities, namely clan elders, some of whom are nominated and remunerated by the regional government. A neo-patrimonial logic animates the political order of the Ethiopian-Somali lowlands where party cadres, federal military officials and Somali elders confront and co-opt each other in the pursuit of their particular political agendas.[13]

In the northwest of the former unitary state of Somalia, the Somali National Movement (SNM), a guerilla organization dominated by members of the Isaaq clan, took control in January 1991. Following their victory, SNM and Isaaq clan leaders engaged in peace negotiations with representatives of the region's other clans who had mostly supported the former Siyad Barre government. As a result of a series of local meetings, the continuation of the civil war in the northwest was prevented, and on 18 May 1991 *Somaliland* was declared an independent republic encompassing the whole of the former British Protectorate. In 1993, after two years of rather chaotic SNM rule and contained conflict, a clan conference elected Mahamed Haji Ibrahim Egal, an experienced civilian politician, as President. Under his rule a stable political framework was established and peace spread throughout Somaliland. The members of the republic's bi-cameral parliament, the House of Elders and the House of Representatives, were partly selected by their respective clans and sub-clans, partly hand-picked by President Egal. Other government positions were allocated in line with 'clan proportion'.

The demobilization of former guerillas and the creation of a national army and police, as well as the introduction of a new currency, fostered the internal consolidation of Somaliland. This state-building process occurred through cooperation between traditional authorities such as elders and sheikhs, politicians, former guerillas, intellectuals and ordinary people who decided to put their guns aside and solve problems peacefully, and with only marginal external support from international organizations. Other initiatives, such as diaspora committees for peace, newly

12 Richards, Paul (ed.), No Peace, No War: An Anthropology of Contemporary Armed Conflicts (Oxford: James Currey, 2005).

13 Hagmann, Tobias, "Beyond Clannishness and Colonialism: Understanding Political Disorder in Ethiopia's Somali Region, 1991-2004", Journal of Modern African Studies, Vol. 43, No. 4, (December 2005), 509-536.

established independent newspapers in the capital Hargeysa, as well as a host of local NGOs and associations all over the country (focusing, for example, on human rights or environmental protection) complemented the state- and later the nation-building process. In 2001, the current Somaliland constitution was adopted in a public referendum. This began the transformation of the 'clan democratic' system of governance into a multi-party democracy. Between 2002 and 2005, political parties flourished and three elections including presidential elections were held.[14]

Nevertheless, the Somaliland government does not hold the monopoly of violence, and most inhabitants keep their guns privately. Security in Somaliland is dealt with in a decentralized manner and is largely guaranteed by local politicians and elders. These groups intervene immediately when conflict between individuals or groups arises. If a person has been injured or killed, clan militias and police forces are sent to capture the perpetrator(s). At the same time, negotiations over blood compensation start between the clan groups involved. Only in exceptional cases, when the integrity and stability of Somaliland is at stake, do central government institutions such as the House of Elders or the national armed forces intervene directly. The relatively stable environment of Somaliland has enabled Somali and diaspora entrepreneurs to invest in the country. Large shopping malls and the latest telecommunication technology can be found in Hargeysa and other towns in Somaliland. While some taxes are collected from businessmen and house owners, the state revenue depends largely on the taxation of import and exports transiting through Berbera port. However, the state cannot provide much in terms of social services; hospitals, universities and schools are mostly built and run by private investors.

Puntland draws its major political support from the local Majeerteen, Dhulbahante and Warsangeeli clans and was established by a clan conference in 1998. Constitutionally, Puntland is part of Somalia and its government is working towards rebuilding a unified Somali state. From 1998 to 2004, Colonel Abdullahi Yusuf presided over Puntland. As a military officer and former leader of the Somali Salvation Democratic Front (SSDF), who had defeated the Islamist Al-Ittihad in north-eastern Somalia in 1992, he relied strongly on the support of the army and his Majeerteen sub-clan. After Abdullahi Yusuf decided to stay in office in 2001 – despite a clan conference's decision to nominate a rival politician for presidential office – Puntland developed into a kind of 'clan dictatorship'. In October 2004, Abdullahi Yusuf was elected President of Somalia by the internationally sponsored Peace and Reconciliation Conference for Somalia held in Kenya (2002-2005). Subsequently, General Mahamuud Muuse Hirsi 'Adde' was elected President of Puntland by the parliament and was welcomed as an integrative and peace-oriented figure.

Until today, however, no substantive political reforms have taken place in Puntland. The security situation is similar to that in Somaliland. Most people own guns, but local politicians and elders keep the peace. At the same time, internal corruption scandals have repeatedly triggered mutinies by soldiers and government officials. Since 2006, the deployment of Puntland troops in southern Somalia in support of Abdullahi Yusuf's TFG has weakened the regional security architecture and led to lower levels of security in parts of Puntland. Education, health care and economic activities in Puntland are, as in Somaliland, mostly in private or NGO-hands. The main state revenue is based on tax collection at Boosaaso port. While Somaliland and Puntland are internally largely peaceful, their bilateral relations have deteriorated because of repeated clashes over the control of the Sool and Sanaag regions, which are, depending on one's political position, part of either eastern Somaliland or western Puntland.[15]

In *southern Somalia* the prolonged civil war and instability, particularly in and around the capital Mogadishu, have become eponymous for the Somali state collapse. Surprisingly, even in southern Somalia, political orders backed with force based on warlord rule

14 WSP International Somali Programme, Rebuilding Somaliland: Issues and Possibilities (Lawrenceville, NJ and Asmara: Red Sea Press, 2005).

15 Hoehne, Markus V., "Political Identity, Emerging State Structures and Conflict in Northern Somalia", Journal of Modern African Studies, Vol. 44, No. 3 (September 2006), 397-414.

emerged throughout the 1990s.[16] The Somali warlords mostly drew their support from clan militias and related businessmen. They ruled by means of violent exploitation of resources and military domination over weaker groups. By the end of the 1990s, Islamic Courts and powerful businessmen who had profited from the radically deregulated local economy emerged as important political groupings in Mogadishu. Both of these commanded their own militias. In the past decade, many of the notorious southern Somali warlords participated in the internationally-sponsored peace processes. Although they had an interest in the continuation of a stateless situation, the warlords skillfully mobilized international recognition and resources, which bolstered their domestic positions. In recent years the local population began to blame much of the continuous small-scale fighting on the narrow interests of the warlords whose popular support increasingly waned.

All the same, at the most recent Somali peace conference in Kenya, the warlords were granted important ministerial positions in Abdullahi Yusuf's cabinet.[17] In parallel, the Islamic Courts expanded their power base within Mogadishu: the population – including wealthy and influential businessmen – was willing to accept shari'a rule in exchange for basic security administered by the Courts. In early 2006, the confrontation between a coalition of US-backed Somali warlords-cum ministers and the Union of Islamic Courts (UIC) escalated into full scale war in Mogadishu. Unexpectedly, the UIC managed to expel the warlords from the city and to expand its rule over much of southern and central Somalia. By deploying well-organized militias, evoking popular national sentiments against Ethiopian troops on Somali soil, and providing public order, the UIC managed to establish central rule over most parts of southern Somalia – for the first time since the collapse of the Syiad Barre government. In doing so, the UIC challenged Abdullahi Yusuf's weak government based in the city of Baidoa in central Somalia. In December 2006, Abdullahi Yusuf's TFG soldiers assisted by Ethiopian military forces and US intelligence defeated the Islamists and captured Mogadishu. Since then the capital's security has deteriorated drastically as militant Islamist fighters and Somali nationalists began to engage Ethiopian and TFG troops in a series of deadly attacks.[18]

Conclusions

Despite important variations, a number of common denominators are identifiable across Somali political orders in Ethiopia, Somaliland, Puntland and southern Somalia. First, all Somali territories rely heavily on non-state actors who are embedded in the fabric of Somali society, particularly clan elders and sheikhs. Second, successful peace and state-building have invariably emerged from below – rather than being imposed through a top-down process – and, unusually, have taken place in the absence of a central monopoly of violence. Third, the initial establishment of purposeful political institutions has built on a coupling of national and clan politics. Fourth, in all Somali territories security remains relatively fluid as law and order evolve in parallel to the political economy of peace and conflict within and across the region. The multiple political orders observed within the Somali-inhabited parts of the Horn of Africa contradict the idea that state collapse and failure are tantamount to anarchy. Since 1991, a Somali type of statehood that amalgamates customary, Islamic and statutory norms and practices has emerged. Somali statehood is shaped by local and global forces, and is also distinctly modern in the sense that Somalis have radically decentralized politics, privatized public services, and

16 Bakonyi, Jutta and Kirsti Stuvøy, "Violence and Social Order Beyond the State: Somalia and Angola", Review of African Political Economy, Vol. 32, No. 104 (2005), 359-382.

17 Interesting insights into the Somali peace conference in Kenya are provided by Schlee, Günther, "The Somali Peace Process and the Search for a Legal Order", in Albrecht, Hans-Jörg, Simon, Jan-Michael, Rezaei, Hassan, Rohne, Holger-C. and Ernesto Kiza (eds.), Conflict and Conflict Resolution in Middle Eastern Societies – Between Tradition and Modernity (Berlin: Duncker & Humbolt, 2006), 117-167.

18 Marchal, Roland, "Somalia: A New Front Against Terrorism", 5 February 2007, online <http://hornofafrica.ssrc.org/marchal/index3.html> (accessed 29.05.2007); Cedric Barnes and Harun Hassan, "The Rise and Fall of Mogadishu's Islamic courts", Chatham House, Africa Program, April 2007, online <http://www.chathamhouse.org.uk/pdf/research/africa/bpsomalia0407.pdf> (accessed: 29.05.2007).

internationalized their economy within a very short time span.[19] Hence, conflict and civil strife have not only destroyed the Somali central state, but have also given way to new political institutions and local forms of stateless governance shouldered by elders, businessmen, shari'a courts and other actors.[20]

Our analysis of empirical statehood demonstrates that state formation evolves in contradiction to the 'state convergence' idea criticized at the onset of this article. Somali and other African political orders defy Western models of the nation-state in many respects. Nevertheless state collapse does produce serious social costs with regard to citizenship, national identity and sovereignty. Both the absence of a functioning central government in southern Somalia, and the non-recognition of Somaliland have negative repercussions on individuals' lives. For example, to this day Somalis face major constraints when crossing state borders because they lack valid – that is, internationally recognized – travel documents. In a world of states, belonging to a collapsed state poses problems with regard to individuals' identification with their nation-state.[21] Not being part of an internationally-recognised state also renders Somalis close to 'invisible' in the current world of states. Finally, without an effective government a country becomes easy prey to foreign interference, both by state and non-state powers.

How should the international community engage with such political orders? In her critique of the liberal concept of the recognition of minorities within nation-states Nancy Fraser argues that resource inequality and the reification of identities are the negative by-products of the 'politics of recognition'.[22] She proposes an alternative model of recognition that aims at equal participation in the social, economical and political arenas. Transferring this idea from the debate about multiculturalism to international politics, we argue that political programs proclaiming that they 'rebuild' or 'repair' failed states using the blueprint of an ideal-typical nation-state model will hardly succeed. Purposeful state-building must first and foremost capture the locally-prevailing political orders and variegated degrees of statehood as they are, and not as they are wished to be, before proposing solutions. Following this, new international norms must be devised in order to increase the participation in international politics of sub-national political entities that are fulfilling state functions.[23] Whether we like it or not, the current types of African statehood, often considered to be pre-modern aberrations, may well in the end endure and even become models of the future state. [24]

19 Hagmann, Tobias, "From State Collapse to Duty Free Shop: Somalia's Path to Modernity", African Affairs, Vol. 104, No. 416 (July 2005), 525-535.

20 Menkhaus, Ken, "Governance Without Government in Somalia. Spoilers, State Building, and the Politics of Coping", International Security, Vol. 31, No. 3 (Winter 2006/07), 74-106.

21 For an insightful debate on the relations between identity papers, state formation and national identity see Gordillo, Gaston, "The Crucible of Citizenship: ID-Paper Fetishism in the Argentinean Chaco", American Ethnologist, Vol. 33, No. 2 (May 2006), 162-176.

22 Fraser, Nancy, "Rethinking Recognition", New Left Review Vol. 3 (May/June 2000), 107-120.

23 The complex legal and political aspects involved in the recognition of de facto regimes such as Somaliland are brilliantly discussed in Schoiswohl, Michael, Status and (Human Rights) Obligations of Non-recognized De Facto Regimes in International Law: The Case of 'Somaliland' (Leiden, Boston: Martinus Nijhoff Publishers, 2004).

24 Some authors have already had fruitful ideas in this regard. See Trotha, Trutz von, "Die Zukunft liegt in Afrika. Vom Zerfall des Staates, von der Vorherrschaft der konzentrischen Ordnung und vom Aufstieg der Parastaatlichkeit", Leviathan 28 (2000), 253-279.

Sharing the spoils: the reinvigoration of Congo's political system

Timothy Raeymaekers[1]

Rather than straigthforward state collapse, the DR Congo's political system has shown great resilience in the face of war and political "transition". The market for economic spoils and protection that has resulted from these processes, even includes some interesting instances of system survival and state mediation.

Over the past decade or so, the international community (particularly the European and African Unions) has invested massively into rebuilding and reshaping state organizations in a country that is commonly associated with the "Heart of Darkness". The Democratic Republic of Congo – formerly Zaire – has often been portrayed as the epitome of African state collapse: "a forsaken black hole characterized by calamity, chaos, confusion." (Trefon, 2004)[2] At the same time, however, the DR Congo also demonstrates an important analytical problem: although it appears to lack every requirement for qualifying as a functioning state, its political system has persisted in most surprising fashion even during times of apparent institutional "collapse": fragments of post-colonial institutions – going from local administrations to customs agents and parastatal enterprises – have actively been kept alive and reinvigorated during Congo's long-standing political conflict by citizens looking to secure durable livelihoods.[3]

This article argues that a failure to acknowledge the evolution of Congo's political system, together with an ambiguous utilization of political power-sharing as a strategy for conflict resolution, will likely lead to more conflict and state "collapse" in this Central African country. Rather than fostering a profound political "transition" as it is understood in international policy circles, the attempts at rebuilding the Congolese state will likely reconfirm the logic of the patrimonial state, while at the same time fostering different levels of institutional mediation. In the meantime, real governance continues to revolve around the structure of social relationships that directs and gives meaning to the day-to-day lives of state and non-state actors and organizations alike.

War and Transition

The Congolese civil wars (1996-1997; 1998-2003) have been amongst the worst humanitarian disasters of the twentieth century. Starting with the "democratization" of the Mobutu regime in the early 1990s,[4] the consecutive confrontations between Mobutu and the AFDL ('Alliances des Forces pour la Libération') led by Laurent-Désiré Kabila, and between Kabila and the different Congolese rebellions transformed the DR Congo into one of the most conflict-ridden places on the globe, while massive human rights violations, armed clashes and targeted theft became the

1 Conflict Research Group, University of Ghent

2 The reference used in the text will be DR Congo.

3 An interesting forthcoming study edited by Theodore Trefon (2007) details this surprising survival of state institutions in the city of Lubumbashi.

4 Some discussion exists as to the origins of the Congolese crisis. While some claim that the conflict started with the regionalization of the Rwandan genocide (Lemarchand, 1997, 2001; Marysse and Reyntjens, 2005), others suggest that the civil war actually started earlier, with the introduction of "democratic" political competition during the years of the 'Conférence Nationale Souveraine' (Vlassenroot, 2002; see also Bratton and Van de Walle, 1994). A combination of strong autochtonous-immigrant divides (embedded in the communal property rights system) and political "entrepreneurship" gradually altered the rules of the political game, with a first instance of communal conflict in 1992-1993 as a result (several thousand citizens died during a violent clash in Zaire's North Kivu province in 1993). It was only with the arrival of Rwandan refugees in Kivu that the conflict acquired a more regional and transnational character.

daily worries of its suffering citizens.[5] Much attention was paid in this regard to the so-called "illegal" exploitation and trade of Congo's natural resources. Several UN and other reports spoke of the existence of "elite networks" that were reportedly engaged in systematic plundering of the wealth, and which potentially could make the Congo one of the most prosperous nations in the world: diamonds, gold and coltan were mined and exported from the different rebel-occupied areas in return for arms and cash to finance the country's ongoing civil war.[6]

What was often forgotten in this economic perspective, however, was the profoundly political nature of Congo's civil conflict. As Mats Berdal observes in a recent review essay, it is indeed hard to believe that civil conflicts after the Cold War simply involved the displacement of political and ideological agendas in favour of purely economic ones (Berdal, 2005). Considering the DR Congo's unsettled (post-)colonial history, the longstanding conflict also undoubtedly involved the crucial issue of determining who or what could be accepted to exercise power in its changing political context; this discussion related both to actual socio-economic grievances and to competing ideas about the type of political and economic system that the country should have. During the war, people – farmers, transborder traders, street vendors, but also customs agents, administrators, rebels and commanders of foreign armies that occupied vast parts of Congo's territory – continued to seek and find practical responses to the daily problems of political order under conditions of conflict and state "collapse", a quest that sometimes produced elaborated systems of "governance", i.e. the administration of access to and provision of rights, services and goods.[7] Sometimes, as for example in Ituri (north-eastern Congo), these responses led to outright violence: the political "complex" that emerged there following the signing of the Lusaka ceasefire agreement (1999) was responsible for a quick escalation of violence between different local communities, carried forward by an underlying conflict over property rights (particularly land access rights).[8] Sometimes, however, the negotiation of political power between these different constituencies also led to different levels of ("illiberal", "protectionist") public order, however: in Bunande (North Kivu province), the same Lusaka agreement cited above began a private protection agreement between local rebels and transborder traders that involved an important instance of transborder regional governance – including the regulation of practices of economic transborder transactions, the provision of socio-economic services (such as roads, hospitals and schools) and the administration of security (Raeymaekers, 2007).

Notwithstanding their different outcomes – which are in themselves interesting to study – these different (re-)configurations of power thus kept pointing out the profoundly constitutive character of trans-boundary phenomena such as war and state "collapse": just like the international intervention that tried to lead Congo towards a political "transition", the different complexes of power that emerged or reconfigured within this perceived institutional void would likely exercise a decisive influence on the regional processes of state formation, for example through the "privatization" of state power and military commercialism.[9] As Robin Lukham (2004) stated not very long ago: "even in the most severe and anarchic instances of state collapse, there is seldom a total governance void. Other bodies (…) may assume services previously delivered by the state. Security functions may be carried out by a range of non-state actors (…) Markets may even thrive in war economies and create their own modes of economic regulation…"; and "novel forms of domination may emerge around the introduction of new frameworks of political and economic accountability and control."

5 Several books and reports have been written on the Congolese crisis. A good overview is provided by the International Crisis Group, as well as the different issues of the Cahiers CEDAF (see bibliography). A recent doctoral study has dealt with the discursive dimension of the Congolese crisis in international policy circles (Autessere, 2006).

6 See amongst others UN (2001), Human Rights Watch (2001; 2005).

7 This definition is borrowed from Eckert et al. (2005).

8 For details, see Vlassenroot and Raeymaekers (2004b).

9 As in the case of Rwanda and Uganda: Clark, 1999; Perrot, 1999; Reno, 2000; Marysse and Reyntjens, 2005

(Doornbos, 2002) At the same time, Congo's apparent state collapse also reminds us of a comment made by Michael Bratton more than fifteen years ago: that it is indeed one thing to speak about the ways Africans confront their daily hardships, but quite another to explain what these so-called dynamic social forces and "informal" networks actually mean in terms of the reproduction of political "order" – especially because African governments are believed to have limited powers to construct this order (Bratton, 1989; see also Callaghy, Kassimir and Latham, 2001). Next to the important regional dynamics of state regimes and armies, the Congolese war also appeared to involve a profound discussion on the evolution of political "community" - including the definition of autochthonous-immigrant divides, (civil) rights, and political legitimacy – which has hitherto remained remarkably absent in the policy and analytical debate (Vlassenroot, 2002).

Over the past decade, the international community has tried with variable success to contain the excesses of Congo's ongoing conflict, but without acknowledging the profound transformations of its political system that occurred during and as a result of the war. Congo's political "transition" was pursued notably through a combined strategy of political and military power-sharing. This strategy consisted of an elaborated negotiation between Congolese belligerents and the unarmed opposition on the one hand (particularly in the so-called Inter-Congolese Dialogue), and a profound "reform" of political and military institutions on the other. However, as Denis Tull and Andreas Mehler (2006) point out, this strategy has run the risk of creating important "incentive structures" that have made violent rebellion appealing, especially in the pursuit of otherwise blocked political aspirations. In fact, security data from the DR Congo during 2003-2006 suggest that the crucial phases of the political "transition" brought with them a serious increase in violence that originated to a considerable degree in these various incentive structures (Vlassenroot and Raeymaekers, 2006). Rather than paving the way for democracy and transparent rule, therefore, the response to Congo's perceived state "collapse" risks levelling the ground for a neither-war-nor-peace situation (Richards, 2005) in which violent predation has become the ultimate governmental "space" in which the definition political community takes shape in the absence of an overarching state framework. As was explained already above, the oligopolistic nature of these spaces does not necessarily have to mean that they are "lawless outposts". They can also be sites of protective, sustaining power that can maintain certain kinds of security, welfare, and representation (see also Roitman, 1998: 317; 320). At the same time, however, the non-resolution of the question of armed violence risks reconfirming the very conditions that lay at the origins of the Congolese social and political crisis by producing even more exclusion, desperation and exploitation. Let me explain this in a few paragraphs.

Specialists of Violence

Part of the problem in the resolution of Congo's so-called state collapse lies with the issue of so-called peace "spoilers". As Keith Krause and Oliver Jütersonke spell out in the introduction to this issue, the debate concerning spoilers highlights some of the difficult issues one faces when dealing with state-building in post-conflict settings. There are two ways to define the problem of spoiling. In the literature, spoilers are usually referred to as leaders of "irregular" militias and armed groups, whose interest apparently lie in sustaining a climate of violence: continuing disruptions to peace processes through banditry and alliances with organised crime can actually offer a guarantee of substantial income and elevated status (Stedman, 1997; Hartwell, 2006). The other way, however, to define spoiling is as a division or sharing of spoils, from ongoing conflicts or transition processes. This definition is probably more applicable to the Congolese peace process, as various actors and organizations have focused on the wealth created by conflict-resolution and peace-building exercises rather than contributing to the international blue-print for peace and transition. This includes for example the reunified national army FARDC ('Forces Armées de la République Démocratique du Congo'), which was recently identified by the UN Mission in the country as the biggest disturber of the peace process: systematic human rights abuses, arbitrary

arrests and forced labour schemes are on the orders of this predatory state army, which is regarded by the population as an occupation force rather than a protective army.[10] At important customs posts like Kasindi (on the Congo-Ugandan border), for example, individual army officers divide the spoils of a transborder economy that includes the import of strategic goods such as fuel and trucks, and that is increasingly directed and regulated by a combination of "private" (or "informal") economic agents and "public" ("official") authorities on both sides of the border (Raeymaekers, 2007; Titeca, 2006).[11] Similar private protection schemes have been seen to emerge in the natural resource sector, where private mining companies are increasingly forced to work under the umbrella of privatized "public" authorities and "traditional" communal chiefs that all claim a part of the surplus produced by productive labour (see amongst others, Global Witness, 2005; 2006). A political economy of spoils has thus been seen to emerge during Congo's transition period, which greatly resembles the logic of Mobutist rule. Building on patrimonialist state practice, with its blurred public-private divide and "diffuse" social relationships, this adapted form of privatized statehood also includes some of the more entrenched historical forms of socio-economic exploitation reflected in exploitative rural-urban divides and "unfree" labour.[12]

Rather than simple spoilers, a better term with which to designate the current return of patrimonialist logics would be "specialists of violence" (Tilly, 1990), which can include warlords, war profiteers, entrepreneurs, and state agents alike, and who all seem to similarly exploit so-called markets of protection.[13] Indeed, the recent "return" to patrimonialist political practice in the DR Congo does not involve a giant orchestration or master plan, as it is sometimes suggested in the political economy literature. Rather, it confirms the embeddedness of Congolese state governance in existing productive relations as well as in markets of protection. As Aristide Zolberg so eloquently observed, it has never been the excess of authority that has made African (and particularly the Congolese) state formation during the post-colonial era so problematic, but rather the serious lack of it. Just as during the Mobutu period, Congo seems to be ruled by various "semi-autonomous subsystems of power", which means that political rule in this country is once again established among the existing powers, without, however, destroying them (Callaghy, 1987). "State" agents – provincial authorities, members of civil administrations, ministers and vice-ministers – nowadays appear to have to negotiate their way into economic wealth and the legitimate use of violence with these various subsystems of power (which involve "private" economic entrepreneurs, "traditional" chiefs as well as other "public" agents) if they are to represent a minimum of political legitimacy in the eyes of Congolese citizens. Their claims to authority thus seem to involve the constant negotiation and renegotiation of political power with different poles of authority in a process that can best be described as state "mediation".

State Mediation

The concept of state mediation has been applied recently to African politics by Ken Menkhaus (2006). It is inspired amongst other things by the dispersed rule of European lords during the late medieval period, as well as by the governance of African "frontier" areas[14] such as Somali East Africa, the African

10 In this sense, the FARDC does not differ very much from the Zairian armed forces under marshal Mobutu (Callaghy, 1987).

11 As Roitman (1998; 2001) rightly states, the term "informal" progressively has lost its analytical meaning here, as it is essentially a residual category that necessarily stands in opposition to the (offical) nation-state (economy).

12 Generally speaking, unfree labour refers to all forms of work, in which people are employed against their will by the threat of destitution, detention, violence (including death), or other extreme hardship to themselves, or to members of their families. The historical slave labour introduced in the Belgian colony has survived, for example, in the system of 'salongo' (Mobutu's "revolutionary" compulsory labour system) and in the forced labour schemes introduced by rebel militias and the Congolese national army (see also Pottier, 2003; Vlassenroot et al., 2006).

13 I thank Tobias Hagmann for making this clear to me. For a recent discussion, see also Shah, 2006).

14 The concept of the "frontier" has recently seen a revival in the study of African politics and (post-) conflict situations, and is seen to be constitutive of a range of "scaled" political transformations (see amongst others Callaghy, Kassimir and Latham,

Great Lakes, and the Sahel countries (see for example Hagmann, 2005; Klute, 2005; Kyed and Buur, 2006; Lutz and Linder, 2004; Raeymaekers, 2007, amongst others). It has a different meaning than that used in the context of international relations, which usually refers to a neutral third party or enforcer. As the anthropologist Sally Falk Moore stated thirty years ago (1978), the "state" in Africa usually represents itself in at least two different dimensions, i.e. as the embodiment of public "authority" (represented in a whole range of actors from customs agents to local administrators and school teachers), and in the form of an "idea". To analysts and policy makers, this actually represents the greatest dilemma to be faced in Congo's post-conflict setting today. On the one hand, the economic resources of the national state administration are constantly drained and its legitimate use of violence usurped by different subsystems of power (or semi-autonomous fields, to use Moore's terminology), but these subsystems nonetheless remain vital for the assertion of state sovereignty over its governance domains. Lacking the physical means of control over these "frontier" areas, the implementers of state authority have no other option than to mediate their way into these governable spaces if they want to maintain their authority. On the other hand, these so-called subsystems of power also adopt an extremely ambiguous position vis-à-vis the state, which is demonstrated at the same time in the vindication of their non-state status and in their use of the same, "formal", language as that of the state (as expressed in "official" documents, "taxes" etc.).[15] This has led to a paradoxical situation, in which the idea of statehood is also "effectively propelled by institutions that challenge the state but depend on the idea of it to do so." (Lund, 2006) Examples of such state mediation practices include, increasingly, the outsourcing of "security" tasks to military factions (as has recently been the case in Kinshasa: Le Potentiel, 21 March 2007), the ad hoc bargaining over economic spoils in Congo's border areas, and the negotiation of the monopoly of violence between contending political forces (Raeymaekers and Vlassenroot, 2006).

Policy Challenges

Peace-builders in the DR Congo thus face two fundamental questions today. The first question is how Congolese statehood can possibly be promoted by political institutions that in practice claim to oppose it, but at the same time depend on the idea of it to do so. Said otherwise, how can the idea of statehood, as it is reflected in the various subsystems of power that govern Congo's political life, be effectively coupled to a reaffirmation of public authority represented in the blue-print of Congo's political "transition"? The second question is this: how can the state exercise legitimate rule over its different governance domains (basically security, welfare and representation) when it depends at the same time on the different subsystems of power to claim even a minimum of authority? One possible outcome, which is much discussed in the media, is that islands of minimal statehood will continue to live side by side with different semi-autonomous political fields in the country's periphery. But given the large degree of complicity and overlap between both, this seems an unlikely outcome at least in the near future.

As during the immediate post-colonial era, the prospects for Congo's political system seem again very uncertain. The main thing that the current deadlock in the Congolese "transition" process has revealed in the first place, however, is that the resolution of armed conflicts in contemporary zones of state "collapse" continues to depend to a large degree on our expectations about modern statehood, but that these expectations have too often betrayed us by offering false blue-prints and analogies (Milliken and Krause, 2002). It also teaches us that state-building, rather than being a technical exercise limited to the reform of government institutions, is likely to involve serious levels of political conflict. Its credibility, therefore, depends to a great extent on the coercive power of the state, seen not just as an idea but as a legitimate public authority. Until we become fully aware

2001; for an analytical scope, see Kopytoff, 1999; Hogan, 1985). In this sense, it certainly deserves to be studied in more depth.

15 For a "collapsed" state, it has to be noted that the DR Congo shows a remarkable level of official documentation and red tape, which, however, is mostly used to the disservice of its citizens, however.

of this, Congo's political transition is likely to linger on in a situation of neither-war-nor-peace and state mediation.

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Administering Babylon – on the crooked ways of state building and state formation

Klaus Schlichte[1]

This contribution looks at the problem of state-building from a comparative perspective, by discussing the lessons of historical sociology on state-building in Europe. The contexts currently targeted by interventions that aim at "state-building" will not simply repeat the European trajectory. What seems to prevail as an outcome of interventions today is rather the anarchic competition between various institutions. Unwittingly, interventions produce a Babylon of policies, institutions, and discourses. It is indeed highly questionable whether out of these constellations something will emerge that even remotely resembles the image of a modern Western state.

Looking back at the shift in the discourse on development and security that has been taking place during the last 10 years or so, it is not entirely clear what has actually changed. In any case, the end of the Cold War is an insufficient explanation of why the debate on the issue of "state failure", "states at risk" or "fragile states" has become so prominent. Anyone who has followed the discourse on development and security questions for more than a couple of years will agree that changes since 2001 are predominantly marked by a strange convergence. This might have more to do with the needs and interests of institutions in the Western world than with fundamental changes in the political and social realities of other regions. There is no reason to assume that the state in Mali or Uganda was stronger, more effective, or more accountable in the early 1980s than it is today. The emergence of the debate on state failure, I would argue, is rather due to changes in the framework of interpretations. Now, security agencies turn to development problems and legitimize their existence and expansion by addressing problems that formerly were not considered security issues. Other observers have stumbled upon phenomena that they had largely ignored, being preoccupied with their analyses of the Cold War, armament questions, and grand strategy.

This change in discourse has produced something that can be called a "syndrome of new threats" that is employed in the legitimization of many policies. According to claims promoted by many new scholars in the field, state failure is imminent and it is closely connected to organized crime, the spread of transnational terrorism, and civil war.[2] While it is tautological to assert that "state failure", most often defined as the loss of effective territorial control, is the result of civil wars, there is also no convincing empirical evidence for the two other claims. There is no proof that transnational terrorism would need "failed states" either for its initial emergence or for the maintenance of its rhizome-like structure. Organized crime clearly does not need the mostly impoverished regions of so-called "failed states," but thrives more readily in the rich urban settings of Western and non-Western mega-cities.

Krause and Jütersonke address some of the policies connected to this shift in discourse. They also hint at the dilemma posed when intervention often impedes what it officially wants to enhance, namely local "capacity building". Instead, the intervention becomes endless, and the task of "state-building" becomes as interminable as the other projects of the West, i.e. democracy, peace, and development. As in these fields, the project of "state-building" will always find something deficient, something to repair and to

1 Humboldt-University, Berlin

2 One prominent US scholar pursuing this thesis is Stephen Krasner, currently working in the Planning Unit of the US State Department, cf. his "Sharing Sovereignty. New institutions for collapsed and failing states", International Security, vol. 29, no. 2, 85-120. In Germany, similar propositions have been advanced by Herfried Münkler in his "Neue Kriege" (Reinbek: Rowohlt, 2002).

reorganize. As a consequence, the engagement of external agencies, either state agencies or so-called non-governmental organizations, must continue for ever, while local ownership clearly remains little more than lip service.

Both authors are also correct in calling into question the applicability of blue-print approaches to state-building that do not take into account the historicity of political trajectories. In fact, as in other periods of history, processes of state formation – a term much more apt for describing the complex and long-term interweaving of the political and social dynamics at work – differ significantly from case to case, despite a number of general observations that have been asserted concerning the manner in which European states came into being. Numerous scholars over the last 100 years have developed theories and theses as to how the extraordinary emergence of modern states can be explained. In the following sections of this text, I want to briefly describe a number of these observations, sometimes forgotten in current discussions on state-building, which is often perceived as a merely technical question. In the second part of this contribution I will argue that current conditions of state formation differ markedly from the circumstances under which the frequently idealized emergence of states in the West took place. Nevertheless, a sober look at the ways in which these states were formed can tell us much about what to expect in the current processes of political reconfiguration in areas targeted by interventions in a broader sense.

1. The forgotten lessons on state formation in the European experience

Krause and Jütersonke make a very important point at the end of their text. The achievements expected from so-called "fragile states" – the building of powerful yet democratically controlled institutions that are also effective in delivering collective benefits such as security, welfare, education, and public health - took at least two centuries in European history. This reminder is extremely instructive because it draws our attention to a historical process that is typically presented as the master case that merely needs to be copied in other world regions, as if one historical period with all its peculiarities, structures, and idiosyncrasies could be replicated like goods in industrial production.

In a number of ways, the European experience of state formation is significant for the current discussion. I want to highlight a couple of general observations on the processes of state formation, made in the classical works of historical sociology. This perspective seems vastly more informative regarding these processes than a perspective that tends to judge states from an idealized outcome. If there is one agreement among historians, it is that the formation of modern states was not an intended outcome. Rather, it is the result of several interrelated dynamics that no one ever planned. However, looking back on the main dynamics involved allows us to compare current political developments elsewhere in order to judge the chances and possible pathways of state formation in Africa, Asia, or the Middle East.

First, a review of European history shows that the building of states is not just a technical issue of ingenious institutional arrangements. Rather, the processes by which modern states come about are long, and the term "formation" is therefore much more appropriate than "building" as it avoids the illusion that current political problems in post-war contexts or "failed" states could be remedied by a few short-term measures. Secondly, this experience reveals some of the basic mechanisms fundamental to the process of the formation of states.

To begin with, the formation of states is a process of expropriation. This is the first insight of Max Weber's historical reconstruction of state formation in Europe, confirmed over and over again by other studies. The construction of kingdoms in early modern Europe was first of all the expropriation of multiple competing local power holders. Knights, lords, bishops, and free cities were subdued by violent means, threats, or political chicanery.

This centralization of state forces, the famous monopolization of violence, was itself a violent process. In his magisterial study on the "King's mechanism", Norbert Elias has shown that in the case of France, this process took centuries, but it ultimately led to a configuration of forces that was centralized

around the royal court, in which the feudal lords became dependent on the King's decisions about offices and prebends.[3] This reconfiguration led to the so-called absolutist state but was itself, however, a violent process. The monopolization of the use of force was brought about by countless battles between royal armies and local feudal power holders, by struggles between ecclesiastical lords and kingdoms, and by long enduring rivalries among smaller political units.

This internal monopolization cannot be separated from another structuring process that began simultaneously, but lasted much longer. That is the famous linkage between the internal structuring of power and external threats. Beginning with the work of Otto Hintze[4], this observation has been highlighted again and again by later scholars working on the sociology of the state. Theda Skocpol brought it back into the debate on revolutions. Anthony Giddens stressed the consequences of this mechanism for the development of public administration. And Charles Tilly highlighted the link between external warfare and the rise of new forms of state income.[5]

It is particularly interesting to see the close interrelation between the monopoly on force and the monopoly of taxation evident in the history of most European states in modern times. While the organization of absolutist state power coincided with mercantilism as the first economic policy deliberately designed to enhance state power, later nation-states used even more sophisticated strategies to widen their tax base in order to strengthen their military capacities.

The monopolization of the use of force, however, did not bring about modern statehood in and of itself. Further processes were concomitant. Norbert Elias and Max Weber have already stressed the enormous role of the disciplinization of individuals who were transformed into obedient subjects by the work of state institutions such as armies, schools, and universities. The spread of discourses and narratives that legitimized state rule was thus supplemented by practices that made peasants and unruly classes into law-abiding subjects of state institutions. It is to the credit of Michel Foucault that he demonstrated the function of these institutions as "state makers" in the sense of disciplinary machines.[6]

These three dynamics, the emergence of the monopoly of the use of force, the simultaneous construction of the monopoly of taxation, and the long and meticulous work of disciplinization through state institutions were all part of the construction of absolutist states in early modern Europe. But historical sociology yields yet another lesson on the next phases of state formation that it is also useful to remember when studying and evaluating the task of state building. This is the role of social differentiation as a condition for the socialization of the state.

According to Norbert Elias' writing, the monopoly of the use of force underwent another step, predominantly in the 19th century. According to his account, the monopoly on force became universally accepted as a result of the bourgeois revolutions that changed the basic forms of sovereignty. A little earlier in Western Europe, and a little later in its Eastern parts, the guiding norm of the King as the sovereign was replaced by the idea of the sovereignty of the people. This change was not merely theoretical but has an empirical foundation in the socialization of the state as a result of the bourgeois revolutions. Ranging from the Glorious Revolution in 17th century England to the revolutions around 1848 in the central area of Europe, royal rights were progressively limited by the claims and

3 Published originally in Zurich in 1939, while Elias was already an emigré, his work was not received with much attention in social sciences until the 1970s, cf. "The Process of Civilization", 2 vols, (Oxford: Blackwell, 1982), and "The Court Society", (Oxford: Blackwell 1983).

4 "Any state constitution is in the beginning the constitution of warfare" – this dictum of Hintze in his essay "Staatsverfassung und Heeresverfassung" (1906) is paradigmatic for his work on the relaionship between external warfare and internal state formation, cf. Otto Hintze, "Staat und Verfassung. Gesammelte Abhandlungen", 2 vols, ed. by G. Oestreich, (Göttingen, Vandenhoeck & Ruprecht, 1970).

5 Theda Skopcol "States and Social Revolutions" (Cambridge: Cambridge University Press, 1979), p. 31; Anthony Giddens, "The Nation-State and Violence. Volume Two of a Contemporary Critique of Historical Materialism", (Cambridge: Polity Press, 1985), chap. 4 and Charles Tilly, "Coercion, Capital, and European States". Ad 990-1992), chap. 3.

6 Michel Foucault, "Discipline and Punish. The Birth of the Prison", (New York: Vintage, 1995).

the political struggles of the increasingly self-aware bourgeois class. The fact that this class was powerful enough to succeed in these struggles is explained by its wealth: For the first time, economic change had produced a social class that had at its disposal considerable income independent of the state. The leverage of this class was enough to challenge the claims and the apparatus of absolutist statehood. Also, the problem became too large and too complicated to be crushed by military means as kings had been able to do with unruly aristocrats.[7]

The modern nation-state has its social origins in social and economic differentiations that altered the forms, aims, and scope of political rule. After the bourgeois revolutions, states were expected to deliver more and more services, from barring world market competitors and protecting internal markets to constructing an effectively functioning infrastructure and providing answers to the social questions that arose with industrialization. The modern nation-state is therefore the historical result of a long chain of social conflicts and slightly different national trajectories of political constellations. But it always rested on similar major social processes.

This statement does not imply that political rule in other parts of the world cannot be compared to the emergence and fate of the state as it developed in modern Europe. The period of colonization and imperialist expansion by European powers has, however, led to the global generalization of a concept of statehood that is heavily influenced by an idealized image of what defines a modern state.[8]

2. Babylon or Prussia? The outlook for the contemporary dynamics of state formation

Any modern-day state leader who attempted to create a strong state by employing the means that Prussia's Frederick the Great used to push his sandy agrarian province into the first ranks of European powers would probably quickly find himself facing the International Court of Justice. Recruitment by force, enforced settlements, the invasion of neighboring countries with the intention of seizing its economically promising areas, and the incarceration of opponents and intellectuals, sometimes even those who were formerly befriended, as in the case of Voltaire. All these practices were part of the creation of modern Prussia and later of Germany. Such policies would nowadays rightly be considered to be those of a rogue state.

The historical linkage between external threats and warfare and the formation of states no longer applies to the degree that it did throughout centuries of history. And while in many instances military threats still exist, infringing on state policies in regions of Central Africa, South Asia, and the Middle East, the use of force for the enlargement of territories or productive populations is no longer politically feasible since such actions are internationally condemned.

This is only the most visible aspect of a general change in circumstances under which the formation of states is taking place today. State formation is happening in a fundamentally changed global environment, and as a consequence, a number of strategies that earlier states used to drive out internal opponents are unavailable to contemporary state leaders. The violent subjugation of internal rivals, for example, which was still taking place in Iraq, Persia, and Afghanistan in the first half of the 20th century, would for good reasons give rise to international protest and probably a variety of sanctions, including humanitarian interventions. The violent method of state formation, it seems, is blocked, and hopefully will never be used again.

The extremely interesting question, both academically and politically, concerns the alternatives. If the European experience of state formation, with its huge costs in human

7 The classical reading on this dynamic is Barrington Moore's "Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World" (Harmondsworth: Penguin 1969). Another major study with much the same lessons is Reinhard Bendix' "Kings or People. Power and the Mandate to Rule", (Berkeley: University of California Press, 1978).

8 On this image and its working in contemporary state formation cf. Joel S. Migdal and Klaus Schlichte, "Rethinking the State", in: Klaus Schlichte (ed.), "The Dynamics of States. The Formation and Crisis of State Domination", (Aldershot: Ashgate), pp. 1-41.

lives, broken biographies, and use of force and suppression is no longer feasible, is the formation of states still possible at all? If so, how can this process be supported by external actors, so willing to help, and what would be appropriate strategies?

The answer to this question must first take into account that there is apparently no universal strategy about which all international actors agree. There is no global consensus about the conditions under which international interventions are mandatory, under which regime they should be led, or when their mission would be fulfilled. Instead, a plethora of agencies is engaged in all those countries that are currently discussed as "failed states", "fragile states", or "weak states".

The question of what kind of political order will result from these multi-faceted interventions and engagements depends first on concrete local constellations of social and political forces. Depending on the degree and form of social differentiation, the outcomes will differ enormously. In Latin America, for example, the institutionalization of politics is much more advanced than in most sub-Saharan African states where at the same time many more international agencies are at work.

The engagement of such external actors as NGOs and international agencies is uneven and not well documented. There is no reliable account of the number of single projects, the amount of money spent, or the personnel employed. Instead of a consistent and diligent collective effort for the construction of political institutions, the situation in Afghanistan, Kosovo, the DR Congo, and other long-standing interventions gives the impression of anarchic competition between various institutions that admittedly pursue the same goal - namely the construction of an efficient state that is democratically controlled - but that unwittingly produce something else that rather resembles a Babylon of policies, institutions, and discourses.

It is indeed highly questionable whether out of these constellations something will emerge that even remotely resembles the image of a modern Western state. In Uganda, for example, where after 16 years of internal warfare the international community and a bewildering number of NGOs has been active since 1986, the outcome is a form of internationalized domination that puts the actual state into limbo. Great Britain and other states, together with the international financial institutions, subsidize the central budget by more than 30 percent with grants and loans, while NGOs as well as churches and other charitable institutions organize basic health care and supplement a defunct judiciary. German development organizations are active in maintaining national parks, sewage networks, and road building. Danish aid agencies support local administration and try to build a functioning legal system. The coordination of aid, so often asked for and certainly needed, is often reduced to negotiations about salary ceilings. If this is the outlook for the governance of those regions currently labeled as "failed" or "fragile" states, their future will be a highly internationalized patchwork of competencies and claims.[9]

It could be, however, that beneath this apparent chaos of institutions, processes may occur that result in the functional equivalents of state formation. The amount of bureaucratic knowledge that international institutions, national agencies, and non-governmental organizations have acquired, might provide the basis for forms of rule that post-colonial states cannot reach without assistance. Also, the processes of individualization that are brought about by market forces could erode existing loyalties to older systems of patronage. That forms of subjectivation take place even in times of civil war, which are thus part of the processes of state formation, has, for example, been argued by Jean-François Bayart.[10] In fact, many of the admittedly cruel practices of armed groups fighting in contemporary civil wars bear numerous similarities to the practices of European armies, so important in the formation of European states.

Other questions, though, remain unanswered.

9 On such constellations see Astri Suhrke, "The Limits of State Building in Afghanistan. The role of international assistance", (Bergen: Christian Michelsen Institute, 2006) and Klaus Schlichte, "Uganda – a State in Suspense", in: Klaus Schlichte (ed.), The Dynamics of States. The formation and crises of state domination, (Aldershot: Ashgate, 2005), pp. 161-182.

10 Jean-François Bayart, "Le gouvernement du monde. Une critique politique de la globalisation", (Paris: Fayard, 2004), chap. 5.

It is not clear, in current attempts at state building, what could serve as a functional equivalent to the bourgeois classes in Europe which forced states to become democratic and to deliver services instead of using their resources for military adventures. Is the moral and legal pressure of the anonymous "international community" strong enough to enforce the same process, given the inclination of state officials to bend the policies imposed by external actors?[11] But, on the other hand, even those practices that we denounce as corruption and clientelism could be a means of strengthening the ties between central power holders and their local followers. The feudalization of Europe and the corruption of its administration in early modern times allowed central states at last to bridge power gaps between cities and rural areas.

The twisted routes leading to state formation have seemingly taken on a different guise than in earlier times. Perhaps, once again, the unintended outcomes of uncoordinated action will prevail over single plans and long strategic discussion.

11 On the practices of policy-bending cf. Christopher Clapham, "Africa and the International System. The Politics of State Survival", (Cambridge: Cambridge University Press, 1996), p. 176ff.

Since when has Afghanistan been a "Failed State"?

Albert A. Stahel[1]

Throughout its history, Afghanistan has almost always been a pawn of the great and the regional powers which were never interested in promoting Afghanistan's statehood. When it was invaded by the USSR in 1979, Afghanistan lost its independence, and after Soviet troops withdrew, the Mujaheddin plunged the country into civil war. The Taliban expelled them. Their harsh regime temporarily controlled most of the country before an intervention force led by the U.S. overthrew it in 2001. The intervening powers have not succeeded in stabilizing the country, and the population today is increasingly dissatisfied with the foreign powers. Since the fall of the Taliban, Afghanistan must be described as a failed state on the basis of the theory of statehood – (permanent) citizens, defined territory and authority.

Introduction

Since the end of the Cold War, states that have collapsed or which have no democratically elected government have been designated "failed states." This term, often (and erroneously) equated with the American concept "rogue state", has become common in the terminology of American foreign policy since the Clinton administration. It is difficult to dispel the impression that this term has replaced Ronald Reagan's "Evil Empire" - his designation for the USSR. Today, along with Iraq and Somalia, Afghanistan is cited as a classical example of a "failed state". This article will concern itself with this country exclusively. Before clarifying the question of whether Afghanistan is, or when it became, a "failed state", the article offers a short examination of the concept of a state, and continues with a look at the history of the country. The final section deals with the role of the external actors and their involvement in the current situation in Afghanistan.

The State as Subject

International law defines the state according to the three-element theory of Georg Jellinek.[2] According to this theory a state is based on three elements:

state citizens
national territory
sovereignty

According to Wildenauer a *state citizenry* consists of "the citizens of a state. Citizenship means the legal relationship of a person to his or her home state. One enters into this legal relationship either by descent (ius sanguinis), by being born within the territory of the state in question (ius soli) or by naturalization."[3] *National territory* "is the territory in which a state has exclusive authority. It is the area within the borders of which the state exercises its territorial sovereignty (and ideally, its territorial jurisdiction)."[4] As far as *sovereignty* or the government is concerned, it "corresponds to both territorial as well as *individual* authority, while distinguishing between active and passive individual authority."[5] Both elements of national territory and sovereignty are decisive for evaluating the condition of a state. Regarding the early stage of a failed state, a weak state, Wildenauer observes: "While in weak states territorial sovereignty is unchallenged, territorial jurisdiction is usually no longer effectively in

1 Professor, University of Zurich and Director of the Institute for Strategic Studies in Wädenswil. The author wants to thank to his assistant Mrs. Cornelia Fuchs, MA, for the correction of the manuscript.

2 Wildenauer, F. (2006): Staatsbildung, Souveränität, Staatszerfall. Schwache Staaten in den aktuellen internationalen Beziehungen im Lichte europäischer Staatsbildungsprozesse, Treatise presented to attain a doctorate from the Faculty of Philosophy, Zurich Universtiy, manuscript, Freiburg in Breisgau, P. 90.

3 Wildenauer, F., P. (2006), 90.

4 Wildenauer, F., P. (2006), 91.

5 Wildenauer, F., P. (2006), 92.

the hands of the state.[6]

In such a state the government manifestly lacks territorial jurisdiction over its own state. In the case of a failed state, this means ultimately that "a state whose territorial sovereignty is still protected under international law, but which no longer continuously exercises its territorial jurisdiction [..., has] lost its sovereignty. With the loss of sovereignty the state loses one of its constituent elements and therefore ceases to be a state".[7]

The critical criterion for the characterization of a failed state is the loss of sovereignty. In a failed state an institution or organization that controls state territory and therefore protects its citizens no longer exists.

Afghanistan up to the Taliban Regime

To be able to assess whether Afghanistan can be designated a "failed state", it is necessary to describe briefly the history of this state. The founder of the Afghan state consistently cited in historical treatises is Ahmad Shah Durrani, who had himself proclaimed king of the Afghans (Pashtuns) in Kandahar in 1747.[8] The area that he conquered by his raids did not coincide with today's Afghanistan and the entity he controlled was not a state in the sense of the three-element theory:

"This Durrani empire is indeed considered the true origin of modern Afghanistan, but it resembled more a loose association of princedoms and tribes only indirectly ruled by Ahmad Shah, than an organized and controlled political system."[9]

The Durrani empire collapsed during the reign of Ahmad Shah's grandsons. In the rivalry between the great European powers of Russia and Great Britain, also known as "The Great Game", the empire was annihilated. It was only thanks to an agreement between Great Britain and Russia that Afghanistan became a real state: in 1907 following the confirmation by the Russian tsar that Afghanistan was located outside of the Russian sphere of interest, Great Britain affirmed in return that it would no longer interfere in the internal affairs of Afghanistan. However, it was only in 1919 that Afghanistan gained independence under the Treaty of Rawalpindi.[10]

In a certain sense, Afghanistan slumbered until 1947. The situation changed only after the partitioning of the Indian sub-continent and the founding of Pakistan. The confrontation with Pakistan and the territorial claims of the Pashtun living in Pakistan resulted in Afghanistan being drawn into the Cold War under Soviet influence, after the U.S. had joined sides with the Pakistanis. The first sign of trouble brewing was the putsch by Daud, a cousin of the king, who with the help of officers trained in the USSR seized power on 17 July 1973.[11] The storm finally broke in 1979 when the Soviet Union invaded the country, ending Afghanistan's independence.

Afghan Mujaheddin based in Pakistan fought back with American and Saudi financing. The war grew murderous. The withdrawal of the 40th Army of the USSR on 15 February 1989 revealed that Afghanistan had been devastated. One and a half million people had been killed and over five million had fled abroad. More than 15 million mines had been scattered throughout the whole country. The war, however, was not over. It wasn't until the U.S. and the USSR discontinued arms deliveries to the parties involved on 1 January 1992 that the Communist regime collapsed.

During the power struggle between the resistance leaders for the control of the capital from 1992 to 1995 half of Kabul was destroyed. At the end of 1994 a new movement was able to establish itself in Afghanistan: the Taliban. Between 1996 and 2001, it gradually took over Afghanistan at the expense of the so-called Northern Alliance under Massud's command. In this context the buying of commanders played a large role. When Massud, the Taliban's only serious opponent, was assassinated on 9 September 2001, the Taliban controlled nearly 95% of Afghanistan.

6 Wildenauer, F., P. (2006), 92.

7 Wildenauer, F., P. (2006), 92.

8 Schetter, C. (2006): Die Anfänge Afghanistans, in: Afghanistan, Wegweiser zur Geschichte, Bernhard Chiari (Hrsg.) (2006), on behalf of the Office of Military History Studies, Ferdinand Schöningh, Paderborn, München, Wien, Zürich, P. 15.

9 Schetter, C. (2006), P. 19.

10 Baberowski, J. (2006): England und Russland: Afghanistan als Objekt der Fremdherrschaft im 19. Jahrhundert, in: Afghanistan, Wegweiser zur Geschichte, P. 27/30.

11 Schlagintweit, R. (2006): Zwischen Tradition und Fortschritt: Afghanistan als Staat im 20. Jahrhundert, in: Afghanistan, Wegweiser zur Geschichte, P. 36.

However, it was only in the Pashtun zone that the latter had complete control over the provinces. In the west, central and northern regions, while they controlled most of the cities and villages, they faced the same problem as the USSR, being unable to bring the remote rural areas completely under their control.[12] The country was unified again but was ruled with an iron hand by the Taliban. Along with the sharia, the pashtunwali, the code of the Pashtuns, was decisive in implementing the Taliban ideology.[13]

On 11 September 2001, the attacks with civil aircraft on targets in New York and Washington took place. When the Taliban declined to extradite Osama bin Laden to the U.S. after an American ultimatum, Afghanistan was attacked and bombed on 7 October. On 22 December, the Taliban were officially expelled and the country was supposed to be transformed into a democracy corresponding to American and European moral concepts.

Although the goal of expelling the Taliban was ostensibly achieved, the battles between NATO troops and the Taliban in south, east, and west Afghanistan are continuing and increasing in intensity. The Taliban were driven from power, but not destroyed. They themselves are now slowly filling the power vacuum created by their overthrow. After all, they are still a part of Afghan society.

When did Afghanistan become a "failed state"?

Until the occupation by the 40th army of the USSR, Afghanistan displayed all the characteristics of a normal state according to the three-element theory. The Hindu Kush Mountains and their foothills form natural barriers that hinder the formation of a central power structure. Since its beginnings, however, Afghanistan has shown all of the distinctive political, social, economic, demographic and geographic features of a *weak state.* These include limited political institutions and state influence on society, significant ethnic, linguistic and religious differences, weak economic development coupled with problems of natural resources, great social divisions, interference from other countries as well as Afghanistan's geo-strategically exposed position.[14] With its occupation, the country lost its independence, and was systematically devastated by the war between the Soviet Union and the Mujaheddin. Following the withdrawal of the 40th army, civil war broke out again but the Najibullah government was able to retain power and *sovereignty* over the major part of the *national territory*. In a certain sense, the nearly normal circumstances of a (weak) state reigned. Only after the collapse of the Najibullah regime, was Afghanistan as a state destroyed by the annihilation of its sovereignty during the Mujaheddin's civil war. No party was able to exercise sovereignty over the whole territory let alone legitimately lay claim to it. Afghanistan became a **"***failed state***"**.

The Taliban succeeded in re-establishing *sovereignty* over nearly all of Afghanistan's national territory. Although their reign must be described as cruel, they succeeded in controlling the *national territory* and in ensuring peace and safety for the majority of the population. The Taliban's contempt for international rules, values and norms resulted in the isolation and ostracism of the state. Isolation by the international community following the collapse of the Najibullah regime was undoubtedly a factor contributing to Afghanistan's being able to develop into a **"***rogue state***"**.[15]

Paradoxically this sovereignty was destroyed by the collapse of the Taliban. Until today, it has been impossible to establish sovereignty over the whole territory. On the contrary: while Karzai depends exclusively on the support of foreign forces, thus endangering his legitimacy and credibility, the Taliban are again bringing areas in the south, east, and west under their control. In fact, Afghanistan must be described as a "failed state" again

12 Vgl. Fuchs (2005): Machtverhältnisse in Afghanistan: Netzwerkanalyse des Beziehungssystems regionaler Führer 1992-2004/05, P. 60, oder Griffin (2003): Reaping the Whirlwind, Afghanistan, Al- Qaeda and the Holy War, P. 85.

13 Stahel, A.A. und Geller, A. (2006): Die Herrschaft der Taliban, in: Afghanistan, Wegweiser zur Geschichte, P. 77.

14 Vgl. Goodson (2001): Afghanistan's Endless War: State Failure, Regional Politics, and the Rise of the Taliban, P. 9–11.

15 Fuchs (2005), P. 60.

since the collapse of the Taliban. In their article, Krause and Jütersonke speak about so-called "spoilers" and cite as an example the drug cartels in Colombia, "which are able to flourish precisely because the authorities are unable or unwilling to venture into the areas these groups effectively control."[16] In contrast, countrywide narcotics production in Afghanistan is professional and also enjoys the (unofficial) protection of the police and leading politicians. Drug trafficking contributes roughly 60% to the country's gross domestic product. For this reason Afghanistan can also be referred to as a *"narco state"*.

External actors and Afghanistan

Since "The Great Game", Afghanistan has directly or indirectly been a pawn of the great powers. While the main actors were Russia and Great Britain at the beginning of the 20th century, the last confrontation of the Cold War occurred at the end of the century between the U.S. and the USSR. Between 1919 and 1973, external actors limited themselves to generous foreign development aid. As a result during the 1950s and 1960s approximately 40% of public expenditures were externally financed! Economic stagnation towards the end of the 1960s led to a decline in foreign aid and greater dependence on the USSR.[17] As mentioned above, the putsch by Daud occurred with the help of USSR trained officers. The Mujaheddin's subsequent resistance was generously supported by the U.S., mainly financially. Following the withdrawal of the 40th army both superpowers continued to supply their clientele with arms until 1 January 1992.

The superpowers, however, were not the only ones to pursue their policies at Afghanistan's expense. Pakistan and in particular its notorious secret service ISI ("Inter-Services Intelligence") organized the distribution of American and Saudi funds, favouring especially Pashtuns such as Hekmatyar. Thus they hoped to ensure that the tiresome question of Pashtunistan and the construction of a pipeline from Turkmenistan to Pakistan would be decided in their favour once the conflict was over. But the international community also made mistakes.[18] The refugee camps along the Pakistan border were known to serve as a base for both recruiting and recuperation for the Mujaheddin who were glorified in the international press. Nothing was done about it.

The civil war that followed reflected at a regional level the neighbouring states' rival conceptions regarding the reconstruction of the Afghanistan state. Pakistan (and the U.S.) wanted to see Hekmatyar in power to achieve their goals. The coalition parties under Rabbani were supported by India, Russia and Iran because of power interests in the region, on the one hand, and to counteract the influence of Pakistan and the U.S., on the other. In addition a conflict arose between Shiite Hezb-i Wahdat supported by Iran and the Etehad-e Islami under Sayyaf financed by Saudi Arabia. Dostum who had originally been excluded from the process of forming a government sought and received support from Uzbekistan.[19] With the appearance of the Taliban, who were ideologically, financially, logistically and militarily backed by Pakistan and in particular by the ISI, Pakistan and the U.S. dropped Hekmatyar. The U.S. engaged in negotiations with the Taliban about a possible pipeline, but had to terminate them due to pressure from women's lobbies in the U.S.. Finally it officially broke off diplomatic relations completely. When the U.SA. withdrew, Saudi Arabia took its place. India, Russia, Iran, Uzbekistan and Tajikistan however, gave their support to the anti-Taliban coalition. The international community – or what was left of it in Afghanistan – gradually withdrew since the Taliban were unwilling to make any concessions.

Following the end of the Taliban regime the international community wanted to help Afghanistan rebuild the state. At the Petersberg Conference the United Nations and the major industrial states together with Afghan groups outlined institutions and procedures to create a new state. Their timetable was kept to. Nevertheless international commitment was tinged with ambivalence from the beginning. On the one hand, the international community

16 see this issue, page 10

17 Schlagintweit, R. (2006), P. 34 f.

18 Mielke, K. (2006): Der afghanische Bürgerkrieg, in: Afghanistan. Wegweiser zur Geschichte, P. 69.

19 Mielke, K. (2006), P. 69.

contributed to relatively stable relations by its presence; on the other hand a clear strategy was lacking. While to this day the "war against terror" is of the utmost importance to the Americans, the United Nations is interested in the peaceful reform and reconstruction of the country. Pakistan and Iran continue to pursue regional political interests, while Russia and China follow suit either directly or indirectly. Innumerable international organizations with their manifold objectives, extending from emergency assistance to the establishment of a civil society are concentrated mainly in the cities of Herat and Kabul. As a result the historical rift between the large cities and the remote regions of Afghanistan is increasing.[20]

Since 2003, discontent with the international and national development organizations has been growing in the Afghan people. First and foremost, they complain that a large part of the assistance go to financing the NGO's logistics. The new government excels in corruption; more funds vanish in the bureaucracy. Today, five years after the war, the situation for the average Afghan is not significantly better than it was under the rule of the Taliban, apart from an increase in personal freedom. In south, east, and west Afghanistan, which has developed into a war zone, reconstruction is not moving forward. Moreover, the population regards the "war on terror" ever more negatively, since civil targets have repeatedly come under bombardment. Mass arrests in the Pashtun region, victims of torture, the prison scandal of Abu Ghraib in Iraq in 2004, the desecration of the Koran in Guantánamo in 2005, and the killing of civilians in a truck accident in 2006 have led to violent protests.[21]

Conclusion

Even after the resolution of the conflict, Afghanistan, notwithstanding a centralist government system, will hardly ever be able to exercise complete sovereignty over its geographically rugged territory, and be, therefore, at best a weak or – in the terminology of Krause and Jüntersonke – a fragile state. But even this will only be possible if external actors of the region in particular stay out of Afghanistan's domestic politics. In the past the great powers and the neighbouring states as well as the international relief agencies have paid little attention to Afghanistan's statehood on the basis of the three constitutive elements.

Only after the Taliban regime was destroyed did Afghanistan again become a "failed state". To this day there is no unified, stable state power that governs the whole country, a fact that might be due to the geographical scope of the ISAF mandate at the beginning. In addition, a coordinated effort by the international community based on Mary B. Anderson's principles "Do no harm" to prevent the conflict from being unnecessarily prolonged or aggravated by external actors was and still is lacking.

20 Schetter, C. (2006): Die Neuordnung Afghanistans, in: Afghanistan. Wegweiser zur Geschichte, P. 84.

21 Schetter, C. (2006), P. 84-90.

Fragile Statehood – Current Situation and Guide-lines for Switzerland's Involvement

Working group of the Federal
Department of Foreign Affairs (FDFA)

1 Introduction

For many years now, the focus of Switzerland's foreign policy has been on maintaining bilateral relations. In today's globalised world, however, international and multinational networks are becoming increasingly important. A country's foreign policy can only preserve security and prosperity on a sustainable basis if it is internationally networked and aims to promote the security and well-being of all states, since the most urgent global challenges are beyond the scope of national policies and require international co-operation.

In a networked world, political actors must learn how to provide global public goods such as international peace and security. It is important to emphasise that, today, events and developments even in countries far from home can have a direct influence on our own life in Switzerland. A purely national model that regards Switzerland as an exception and that would allow us to avoid globalisation and to live in splendid isolation cannot work.

The world has changed. Today, the main threats to our security and well-being are no longer military offensives, but rather more general and diffuse risks such as environmental disasters, international terrorism, the uncontrolled proliferation of weapons of mass destruction, epidemics and pandemics, and the consequences of internal conflicts.

Weak state structures and fragile contexts provide fertile ground for such threats, and for this reason the problem of fragile states – i.e. failing or already failed states and territories – now represents one of the most serious and fastest growing challenges in the areas of development, peace and security policy. In 2001, the World Bank classified 17 countries as fragile: by 2006 this number had grown to 25.[1] The only way in which we can deal with this problem and overcome the various challenges it poses is through international co-operation and by involving as many countries as possible in the quest for suitable solutions.

The Swiss Agency for Development and Co-operation (SDC) recognises that the problem of fragile states is also increasingly important for Switzerland as an active member of the international community. Since 2004, the SDC has been focusing intensively on this area and following international developments.[2] At the beginning of 2006, the FDFA decided to set up a "Fragile States" working group, and this report (dated January 19, 2007) presents its findings. It examines the complexity of the problem of fragile states, clarifies terminology, and formulates recommendations.

2 Background

International policies relating to security, peace promotion and conflict prevention have changed fundamentally since the terrorist attacks of 11 September 2001. In the past, state crises were generally perceived as local or regional problems that required intervention primarily on humanitarian grounds. Today they are regarded as security risks directly affecting both developing and industrialised

1 Engaging with Fragile States: An Independent Evaluation Group Review of the World Bank Support to Low-Income Countries under Stress, World Bank, 2006.

2 This process has been guided by the Conflict Prevention section (COPRET) of the SDC and the Political Affairs Division IV – Human Security. In the course of their work they also referred to concepts used in the past for integrating different instruments of international co-operation. Examples include the report Beyond the "Continuum": Peace, Conflict and Development Assistance, from 1997, and the debate in the DAC on co-operation with difficult partners that has been in progress since 2001.

countries. There is a widely held view in the industrialised nations that, in the case of failing states, there is an obligation to intervene or to strengthen the state concerned. In the current discussion, it is important to take both the changed situation and this altered perception into account.

Since the mid-1990s, repeated demands have been made at the international level for an integrated approach to different policy and problem areas. The practical results of these discussions have included the creation of integrated UN peacekeeping missions and the more efficient co-ordination of players involved in peace consolidation and reconstruction (peacebuilding) efforts, along the lines of the discussion now taking place in the context of rapid reaction relief efforts on behalf of the victims of a catastrophe or crisis (early recovery).

At the 2005 Millennium Summit,[3] the heads of governments acknowledged the inseparability of, and the interactions between, security, human rights and development, and called for the integration of these fundamentally different perspectives. They thus achieved a paradigm shift towards an integrated approach to security, development and human rights – which is to be applied in the recently created UN Peacebuilding Commission.

At the regional level, the fact that security and development are becoming more closely linked has gained official recognition, for example in the European Union's 2003 Security Strategy.[4] The OECD is also examining this issue in depth in its Development Assistance Committee (DAC), which has formulated principles governing involvement in fragile states.[5] Switzerland, as a member of the DAC, will apply these principles to its foreign policy activities in the areas of development co-operation, peace promotion and humanitarian aid.

Switzerland has been developing its foreign policy activities in a number of fragile contexts on several continents for some time, and has been able to gather important experience as a result.

The current international debate is being led by state agencies of international co-operation, as well as by non-governmental organisations and academia. It focuses primarily on the following questions:

1. What is new? The phenomenon of fragile states as such is not new. What (if any) new perspectives and aspects can the current discussion reveal? Fundamental is certainly a holistic understanding of the ties between development, security and human rights. However, there is also a growing awareness that the phenomenon of fragile states must be seen in terms of dynamic processes that depend on regional factors as well as on the involvement (or non-involvement) of the international community.
2. Why now? Why is such importance attached to the problem of fragile states today? One answer is that since 11 September 2001, fragile states have been the focus of the highest level of political attention precisely because they can set off processes that destabilise entire regions. It is now generally accepted that the Millennium Development Goals cannot be met in fragile states (MDG+5 Summit), that the gap between rich and poor countries is drifting apart, and that conflicts of interest of geopolitical nature, e.g. competition for natural resources, are intensifying.
3. What terminology should be used? In recent years, this phenomenon has been given a range of names by different players, for example: Low Income Countries under Stress, LICUS (World Bank), Poor Performers, and later on Difficult Partnerships (DAC), Transition Countries (Norway), debate on continuum – contiguum (Switzerland), Countries at Risk of Instability (Strategy Unit of former UK prime minister Tony Blair) and now Fragile States (DAC, USA, UK). There is still no standard reference, although the qualification "fragile" is now used increasingly.

3 Millennium Summit Declaration World Summit Outcome, 24 October 2005 (A/RES/60/1).

4 A secure Europe in a better world, 12 December 2003 (http://ue.eu.int/uedocs/cmsUpload/031208ESSIIDE.pdf).

5 Principles for Good International Engagement in Fragile States, Learning and Advisory Process on Difficult Partnerships (LAP), DAC/ OECD [adopted on April 4th, 2007, the editor] The LAP has meanwhile been transformed into a "Fragile State Group", of which Switzerland is also a member.

4. Which actors are active in the context of fragile states, what are their interests or mandates, and what are they doing? The activities of the different actors (internal and external, state and non-governmental, international and regional), as well as their number, their relationships with one another and, in particular, the interactions between their approaches and interests, are all essential elements in the assessment of the fragility of states.

3 Definition and concept of fragility

3.1 Working definition

In view of their complexities, it is difficult to propose a generally applicable definition that covers all fragile contexts and states. The working group agreed on the following working definition:

"A state or context is described as fragile in the following circumstances:

- *If a significant proportion of the population does not regard the state as the legitimate framework for the exercise of power, or if state institutions have not created the prerequisites for achieving this legitimacy.*
- *If the state does not or cannot exercise its monopoly of the legitimate use of force within its territory (guarantees of internal and external security and law enforcement).*
- *If the state is unable or unwilling to provide a significant proportion of the population with basic goods and services.*

These three elements often occur cumulatively and in varying degrees of intensity, and are causing an increased risk of escalation. Inability or unwillingness on the part of a state to guarantee the rule of law and to provide services can have a variety of internal and external causes, but always goes hand in hand with an inadequate capacity to fulfil its basic governing functions or the abuse of power."

The term "fragile" is appropriate because it indicates the need for a high degree of diligence and care. It implies a situation in which violence can easily escalate. Whether the term used is "fragile state", "fragile statehood" or "fragile context" depends on the phenomenon's specific manifestation (cf. section 3.3). The working group refers to statehood in fragile contexts, thereby underlining that its discussions focussed on state structures. This term also covers those cases in which the state does not have or no longer has effective control over certain areas, but in which it cannot in its entirety be described as fragile.

3.2 The concept of statehood

Both the working definition above and the debate on fragile states reflect a largely normative understanding of the concept of statehood, based on the model of the modern-day democratic constitutional welfare state. The state has certain prerogatives and obligations. Its principal obligations can be roughly divided into three core areas: security, welfare, and legitimacy/rule of law. Some of its obligations relate to all the people under its rule, others specifically to its citizens.

- Security: This covers guaranteeing the physical security of the people under the State's jurisdiction, the prerequisite for which constitutes the enforcement of the legitimate state monopoly on the use of force.
- Welfare: This covers a broad range of areas including social and economic policy, the labour market, education, public health, the protection of the environment, and provision of public infrastructure. The state's revenue is used to provide a variety of essential services, and to finance the distribution of economic resources.
- Legitimacy and constitutionality: These include forms of political representation and participation, and the stability of political institutions, the separation of powers and capacity to act of the judiciary and public administration, so that the rule of law and the observance of human rights are guaranteed.

A functioning state performs the necessary services in all three areas, comprehensively and consistently, some for the integrality of its population and some specifically for its citizens. Another factor that is important for the functioning of the state is redistribution through taxation. Taxes not only serve to procure financial resources, they also create a social contract between taxpayers and the state and promote the concept of the state's accountability. The less a state

becomes capable of meeting its obligations in terms of the provision of services and fiscal redistribution, the more it loses its empirical legitimacy. Other actors can then move in to fill the void and create structures that may be described as quasi-states. This process gives rise to competing, overlapping regimes.

In practice, applying this concept of the state is not unproblematic. It is true that the fragility of a state can be expressed in terms of a lack of authority and capacity measured against a theoretical norm. However, the real-life situations of statehood in many parts of the world are a long way away from this model – in both directions. Governments that are too rigid and authoritarian make participation and representation impossible, while structures that are too weak are unable to guarantee security for their populations. In addition, for many people, traditional authority structures are more important than the state.

Since utmost importance remains attached to the state and its functions in an increasingly globalised world, the theme of the fragility of the state must also be a central concern.

3.3 Fragility has many faces

The different profiles of fragile states do not follow a set pattern. As complex, dynamic and unpredictable processes, they impact on a broad range of policy fields. In view of the complexity and diversity of the specific contexts, it is almost impossible to identify clearly and generalise the causes of, or the means to overcome state fragility. Poverty, geopolitical conflicts, bad governance, insufficient observance of human rights and a widespread culture of violence may be both a cause and a consequence of fragility, often conditioning and intensifying each other.

To take full account of the complexity of the phenomenon, the respective contexts need to be examined from different perspectives. In the view of the working group, the following two approaches are useful and relevant in analysis and strategy development.

Firstly, the World Bank[6] has proposed classification into four categories. These are: a) slowly deteriorating situations; b) acute conflict situations; c) situations following an armed conflict (early recovery); and d) situations showing gradual improvement. Different instruments are used depending on the particular stage of a fragile context. However, it is important to note that, under certain circumstances, fragile states can switch relatively quickly from one category to another – in either direction, depending on whether the situation improves or deteriorates.

A second dimension of analysis concerns the structural capacities and political will that exist in a particular state. Depending on the political will for reforms in a country, and the structural capacities available, external partners should use different strategies and foreign policy instruments to strengthen statehood. If, for example, there is no political will to implement change, other instruments are needed to support the state, and the focus will likely be more on non-state actors. In terms of capacities, traditional (e.g. ethnic) power structures must be considered as relevant elements of a specific context. If a country has weak state structures but functioning traditional ones, the latter must be taken into account in the stabilisation process of this context.

For a comprehensive understanding of fragility, it is important to determine how the pro-cess of "fragilisation" occurred, i.e. how the fragile situation evolved in a particular context. For example, it may be in the interest of certain international and regional players to "fragilize" a region or state and/or to keep it in a fragile condition. Caution must therefore be used when judging a state's "incapacity" or "lack of will" to exercise its rights and fulfil its obligations, because these terms can be exploited by third parties to further their own interests.

4 Why does Switzerland involve itself in fragile contexts?

As pointed out in the introduction, the consequences of fragility can directly or indirectly affect Switzerland. It therefore has a vested interest in contributing to stability in fragile contexts. As a neutral, multi-cultural country with no colonial past, as

6 Low-Income Countries under Stress: Update, International Development Association, 22 December 2005. World Bank.

a state without a geopolitical agenda, but with a long history of democracy and stable political institutions, Switzerland brings its understanding and experience in its relations with fragile states to fruition. Even though these factors undoubtedly give it a high degree of credibility, Switzerland's influence should not be overestimated, since it is operating in an environment often complicated by conflicting interests. Switzerland also has to be careful that, in fragile contexts, it does not become an unwitting accomplice to the intentions of external powers that generate pressure on the government of a fragile state in order to further their own interests.

Switzerland's specific interests are outlined briefly below:

Security policy
With globalisation, the cost of ignoring the fragility of states that stand on the sidelines in geopolitical or global economic terms has risen rapidly. State collapse and trends towards regional destabilisation can threaten prosperity and security in industrialised societies, and that includes Switzerland.

Peace policy
Promoting the peaceful coexistence of peoples is a pillar of Switzerland's foreign policy. The more fragile a context, the greater is the risk that internal tensions cannot be overcome and thus will escalate into armed conflict. Stabilising a post-conflict situation is complex and costly. There is always the danger of set backs. In the area of peace policy, it is therefore in Switzerland's interests to make optimum use of bilateral and multilateral foreign policy instruments to strengthen fragile state structures in all phases of a conflict, and especially in conflict prevention and post-conflict peacebuilding.

Development policy
Switzerland recognises the importance of the Millennium Declaration and the Millennium Development Goals (MDGs), and actively supports its partner countries in their efforts to achieve the MDGs. In fragile contexts, provided the partner state shows political will to undertake reforms and has some economic prospects, Switzerland is able to offer more effective support because it can build on long-term co-operation.

At the same time, development co-operation may be jeopardized by the gradual fragilization of a state which was not identified early enough. Overcoming systemic security risks in fragile contexts is therefore a central development policy challenge.[7] Development co-operation strategies (e.g. preventing violence, strengthening civil society, developing capacity, developing democratic institutions, and long-term reconstruction in post-conflict situations) are at the heart of international activities aimed at stabilising fragile states and promoting sustainable development.

Humanitarian policy
As a neutral country with a strong humanitarian tradition, and as a party to the Geneva Conventions, Switzerland attaches great importance to its permanent humanitarian commitment that is supported by its people. The increasing frequency of natural disasters with their destructive potential as well as armed conflicts and protracted crisis situations will require a high level of support from Switzerland also in the future.

Migration policy
Migration occurs predominantly in fragile contexts. Firstly, these are the main places from which people flee, and secondly the lack of prospects for people in fragile states are major reasons for irregular labour migration. Through its involvement in fragile states, Switzerland can contribute to a better management of migration with all its challenges and opportunities.

Economic policy
From the economic policy point of view, Switzerland has an interest in international relations being as stable as possible. It is also in Switzerland's economic interest to promote stability in fragile states to prevent the international economic and financial relations being damaged by trends towards regional destabilisation. Switzerland has another (albeit secondary) interest in the economic potential that stabilised contexts offer to its private sector.

7 In 2006, the Federal Council adopted the following priorities of Switzerland's development co-operation activities, as specified by the FDFA: Achieving the Millennium Development Goals, promoting human security and overcoming systemic risks, participating in a development-friendly globalisation process. See: Rapport de politique étrangère, juin 2007, section 3.6.2, in: Feuille fédérale, 2007(30), 24.07.2007, p. 5273.

Conclusions
Past experience shows that all these dimensions of Switzerland's involvement in fragile contexts must be weighed against one another in order to obtain maximum coherence and effectiveness, and to ensure optimal co-operation with other actors at the bilateral, regional, international, governmental and non-governmental levels. A range of factors must be taken into account, e.g. previously existing bilateral relations (including historical factors), the regional dimension, and the available capacities of Swiss actors, as well as the actions of the most important international and regional players. Some of the latter may well have an interest in maintaining certain regions or states in a fragile condition so that they can, for example, exploit natural and mineral resources illegally and without hindrance.

5 What instruments does Switzerland use?

Switzerland has a variety of multilateral and bilateral foreign policy instruments at its disposal for use in its engagement in fragile contexts and in dealing with cross-border impacts of state fragility or collapse.

Switzerland is a credible actor in multilateral forums, and has in Geneva an ideal platform for discussions on the topics covered in this report. Within the UN (General Assembly, ECOSOC, various UN agencies and programmes), the World Bank and the International Monetary Fund, Switzerland actively supports the strengthening of the multilateral instruments applied in fragile states. Swiss membership and co-operation in regional development banks are also important.

Switzerland has a global and multi-functional network of representations at its disposal for pursuing bilateral relations with fragile states.

Switzerland's foreign policy is supported by a range of instruments:

- In the areas of **civilian peace promotion** and **human rights policy**, these instruments include (in accordance with the Swiss Federal Law of 19 December 2003 on measures relating to conflict transformation and the promotion of human rights) mediation between conflict parties, provision of good offices, deployment of experts, programmes for conflict transformation, and human rights dialogue.
- Switzerland can contribute both military and civilian personnel (police and other civilian players) to assist in implementing **international Peace Support Operations** in fragile states. Military support for peace operations is governed by the Swiss Federal Military Act. Personnel can also be provided to support reforms in the security sector.
- **Development co-operation:** This instrument includes activities conducted within the context of state fragility. However state fragility is in itself not a specific criterion for entering into a commitment. At present, important activities relating to development co-operation are being carried out in some fragile states and contexts. The SDC defines its strategic orientation as "the reduction of poverty and the promotion of human security in global partnership".
- **Humanitarian aid:** This instrument is used mainly in fragile contexts. Switzerland's humanitarian aid is neutral, independent, impartial, and not subject to political conditions. Its principal objectives are to relieve human suffering, rebuild vital infrastructure, and reduce the risk of future disasters (as well as streamlining relief efforts) through suitable preventative measures.
- In the area of **economic co-operation**, those instruments that relate to the presence of the private sector (export risk assurance etc.) should be mentioned here. Other significant instruments include those used as part of international co-operation in the fight against transnational financial crime, for which fragile contexts can provide fertile ground (e.g. drug trafficking, transactions for financing warfare, weapons exports).

6 Findings to date

Switzerland has acquired a great deal of expertise from its activities in fragile contexts, and its findings may be summarised as

follows:

- The working group identified close links between the different failures of statehood, as for instance between the emergence of civil war economies (and economy of violence) and increasing inequality, which threaten to further undermine remaining confidence in the state structures, while reinforcing trust in alternative coping strategies (ethnic, traditional). However, boosted trust in alternative structures may also be exploited. In such situations, certain elements of statehood may be secured, whereas others collapse.
- Statehood failures are strongly context-related. Any measures by external actors must take account of the particular local contexts, especially power structures, as well as of the regional and international contexts. The strengthening of state structures includes the support of state actors and must ensure broad support within civil society.
- The readiness of state actors to co-operate with external actors in strengthening a country's statehood can vary considerably.
- Traditional and other non-governmental structures may take on state obligations, but they may also further undermine existing government structures.
- The scope for development co-operation depends on the degree of state fragility. In the case of very high fragility, the conventional development aid instruments, based on co-operation with state authorities, are no longer effective. Nonetheless, it is possible to find creative possibilities for constructive co-operation, even where statehood is deeply eroded.
- The genuine interests of the external actors involved in fragile contexts may be concealed or masked by other superficial issues. As a consequence such actors are more likely to hamper the development of a coherent and sustainable solution than to promote it. For Switzerland, this underlines the need for an accurate assessment of risks that could arise both as a result of intervention and as a result of non-intervention.

The following conclusions may be drawn with respect to Switzerland's involvement:

- The use of Switzerland's instruments in fragile contexts is usually based on sector-specific strategies. Often, there is no overarching general strategy. This renders co-ordination between the different Swiss actors difficult and may reduce the impact of Switzerland's engagement. Coherence, in the sense of a "whole of government approach", bringing together all Swiss actors, including those in foreign trade, is necessary to achieve a genuinely "holistic" approach.
- Co-ordination and balancing the interests of the international governmental actors are essential to ensure efficient and sustainable intervention by the international community. To date, the debate has been led mainly by the UK, the USA, Canada (CIDA) and international organisations such as the UNDP and the OECD. Switzerland should play a more active role in international co-ordination, and should work more closely with like-minded partners.
- Switzerland's activities have a comparative advantage and result in a stronger leverage, if Switzerland has been active in a country over a longer period reaching critical mass, as well as accumulating know-how and acceptance.
- The specific added value resulting from Switzerland's contributions in fragile contexts is not always readily apparent. There is scope for Switzerland to create a more clearly identifiable profile and systematically to incorporate certain priorities into its involvement in fragile states.
- Experts deployed by Switzerland to work in fragile contexts face increased challenges, especially with regard to security. This must be taken into account in preparing their missions.
- Early identification of fragile contexts or deteriorating situations is of enormous importance for planning and applying suitable instruments. The SDC created an early warning system following the genocide in Rwanda in 1994. However, there is no comprehensive early warning system for all sectors of the administration.

7 Recommendations

Even though the various states that have been active in fragile contexts in recent decades have been able to gather a wealth of practical experience, it is not easy to generalise their findings. This is partly because of the diversity of the contexts (zeitgeist, geographic, social and political variations), and partly because linking the various policy areas and combining different foreign and economic policy instruments is a relatively recent endeavour.

Applicability of international guidelines
The principles of sustainability, good governance and a focus on results are fundamentally sound. The general thrust of the DAC guidelines, "Principles for good international engagement in fragile states & situations", is also widely accepted.

7.1 Strategic recommendations

1. *Switzerland's relations to fragile contexts should be based on a "whole of government approach".*

This means that bilateral relations with a state should be pursued in a coherent manner.[8] Conflicts of interest on the part of individual actors are dealt with through dialogue, and the individual activities of the various government offices are subordinated to a coherent overall strategy. To ensure a genuine "whole of government approach", it is essential to incorporate all state actors, especially those in the area of foreign trade.

2. *Switzerland's activities in fragile countries and contexts should be internationally harmonized. Switzerland can take on a leadership role in areas in which it has particularly high level know-how and acceptance.*

The aim of such co-ordination is to ensure that the international community agrees on the strategy and instruments to be used so that interventions by individual actors reinforce, rather than conflict with, one another. To achieve such comprehensive co-ordination, requires optimum balancing of interests within the international community.

3. *Switzerland's activities in fragile countries and contexts should be guided by a thorough understanding of the interests of the particular countries and their population.*

Here, the main focus lies on the interests of the people affected by a fragile situation. State structures should only be supported and promoted if the will exists to provide the necessary services (access to resources, observance of human rights, human security). Since "lack of will" and "lack of capability" in this context denote political categories, it is important to take great care when assessing whether a state is willing or not willing to provide the necessary services.

7.2 Operational recommendations

1. *Switzerland's activities in fragile states should consistently comply with the principle of "do no harm".*[9]

This should ensure that the affected population is not unwittingly and unintentionally harmed as the result of Switzerland's intervention. This is especially difficult to determine in situations in which the interests of the actors are unclear and/or conflicting, as is frequently the case in fragile states, and it is therefore essential to conduct a careful evaluation.

2. *Switzerland's activities in fragile states should be based on medium to longterm and networked planning.*

This should ensure that the "whole of government approach" is implemented effectively. Here it is paramount to achieve good concertation and co-ordination at the different levels.

3. *Employees of the Federal Administration should receive training before and during their deployment in fragile contexts. Exchange of experience between headquarters and experts in the field will be encouraged.*

Staff and managers need additional skills for their work in fragile contexts to ensure that they are able to meet the respective requirements relating to security, analysis, coherence, flexibility, and conflict

8 The "3-Ds" concept, which combines defence, diplomacy and development, is also under discussion.

9 "Do no harm" was coined by Mary Anderson. It takes account of the fact that interventions within the scope of international co-operation can sometimes have negative impacts, which have to be identified and avoided. Further information: www.cdainc.com.

management.

It is also important that employees pass their experience and know-how on to the headquarters.

4. *All Switzerland's activities in fragile states and contexts should promote the population's participation, social inclusion and trust.*

Experience has shown that these factors are of great importance. If the population does not feel secure, the government lacks legitimacy, and if segments of the population feel excluded, neither elections nor military presence can achieve genuine sustainable improvement. Through its programmes in different countries, Switzerland has access to broad segments of populations, as well as to state and non-governmental structures, and operates in an exemplary fashion.

5. *Fragile contexts can change rapidly, and for this reason Switzerland is investing in a future-oriented monitoring of the environment so that it can react quickly and flexibly to changes by adjusting its programmes.*

This flexibility is based on consistent monitoring of the programmes, as well as of their global and local contexts. It includes an early warning system and the readiness to exploit "windows of opportunity" in specific projects to achieve its overall objectives.