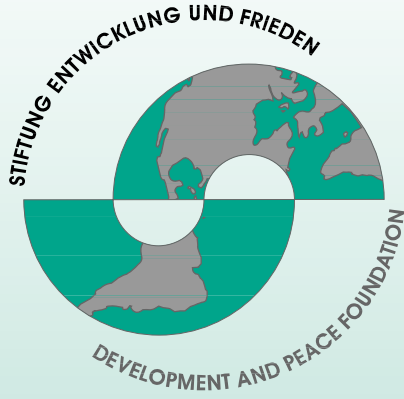




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Between Ignorance and Intervention

**Strategies and Dilemmas
of External Actors
in Fragile States**

Policy Paper 23

The failure and collapse of statehood has become a key peace and development policy issue at the start of the 21st century. The events of 11 September 2001 prompted the alarming but banal recognition that state failure threatens the security, welfare and liberty of Western societies too—through international terrorism which uses fragile states as safe havens and operational bases, through local and regional civil wars, cross-border crime, humanitarian disasters, massive refugee flows, or the uncontrolled proliferation of all types of weapons. The counter- and defence measures adopted by the Western states aim to protect their liberal order. At the same time, over-reactions are undermining the foundations of their rule-of-law and democratic principles, as is evident in the case of anti-terrorism measures or refugee policy. And yet this threat analysis by the Western industrialised states—documented, not least, in the security strategies produced by the USA (2002) and the European Union (2003)—does not do justice to the problem, for it gives far too little consideration to the practical implications of failed statehood in the affected country or to the local population's needs.

Throughout the world, especially in sub-Saharan Africa, the Arab countries, the Caucasus, Central and South-East Asia and the Andes region, fragile statehood—which may even include the collapse of states—is a daily reality for major demographic groups. The fundamental opportunities afforded to citizens in well-functioning states are not available to them. Instead, they face numerous unpredictable threats to their physical security, in some cases encouraged by a corrupt state security apparatus. Basic provision of public services (e.g. clean water, energy, healthcare, education) is lacking or under threat; a formal infrastructure for economic activities is absent; legal stability and political and legal institutions for conflict resolution do not exist; political rights and freedoms are restricted; vigilante and lynch justice replaces conventional or traditional systems of law, etc.

Against this background, people are often compelled to seek security and a modicum of basic social provision outside state institutions. Alongside family structures, NGOs, international organisations and bilateral donors, and also ethno-national or tribal groups, religious authorities or even former warlords with their own militia are playing an increasingly important role here. However, the associated perception or substitution of core state functions may simply further undermine the substance and legitimacy of the state. What ultimately emerges is a state which no one really expects to do any good at all.

Weak or failing states do not fit in with the concept of an international system based on well-functioning sovereign states. And yet for many decades, they have been part of the reality of North-South relations. Moreover, since the 1990s, a trend towards the—sometimes rapid—decline of statehood (as in Somalia, DR Congo, Liberia, Sierra Leone, Afghanistan, and, intermittently, Tajikistan and the former Yugoslavia) can be observed. These processes must be averted, but this does not always require far-reaching intervention by the international community. A key starting point is to reduce the vulnerability of crisis-prone states in a targeted way and foster the development of legitimate and well-functioning state structures. The findings of the *State Failure Task Force* (2003) at the University of Maryland indicate that justice in world trade, the satisfaction of minimum basic needs, sensitive and not too abrupt regime change, integration into stable subregional structures and participation in international organisations play a key role in this context. It is also essential to prepare to deploy rapid-response capabilities in the occasional situations when an abrupt deterioration in a country's development is a distinct possibility. This type of “fork in the road” scenario typically arises in the following circumstances:

- international financial crises that impact on vulnerable countries which are already fully integrated into the international capital markets (e.g. Indonesia during the 1997 Asian crisis)
- a fall in commodity prices in economies which are entirely dependent on the export of primary goods (e.g. Rwanda or Yemen in the early 1990s)
- loss of authority as a result of military conflicts, drug wars or sub-regional destabilisation (e.g. Liberia in the early 1990s, Colombia)
- failed attempts to transform or democratise the system (e.g. Nepal, Congo-Zaire, Pakistan)
- growing militant and, in some cases, fundamentalist opposition to authoritarian or semi-authoritarian regimes, which respond with repression (Saudi Arabia).

External actors face fundamental problems when statehood collapses at national and local level. Against this background, how can state institutions which enjoy some measure of legitimacy be promoted viably? Which approach should be adopted to non-state and sub-state structures? This Policy Paper attempts to provide initial answers to these questions.

I. Coping with fragile states—a historical overview

In the 1980s, the state faded into the background in development and peace policy. In many cases, it was viewed as socio-economically inefficient, bureaucratically overblown and politically repressive. Not infrequently, it was the cause of instability rather than the guarantor of security for its citizens. All these findings were empirically proven for a large number of developing and crisis-torn countries. Yet the conclusion that only private or non-state actors could henceforth be effective partners in development and conflict transformation, and the associated desire to reduce the state's role to a minimum, were problematical. The renaissance of the state which can now be observed in both research and practice is therefore a welcome development. However, the focus should not be restricted to the “central state” or capital city; the regional and local level must be involved as well. Citizens experience the state primarily in the village, local community or urban district. It is also important to view state-building as a historical process in which attempts by external actors to impose modern structures are likely to result in high costs and have limited prospects of success. State-building is a complex and non-linear process in which a multitude of social institutions play a role and—complementing or even competing with state institutions—often participate in the delivery of public goods. Nonetheless, external actors can make an important contribution to state-building, i.e. to stabilisation, reform and/or the (re-)construction of state structures and institutions.

However, the international community deals with fragile states in many different and sometimes contradictory ways, depending, not least, on the position adopted by major global actors such as the USA, the UN, the World Bank or the EU Member States. In essence, four distinct types of *modus operandi* can be identified:

- (a) *Non-engagement and conscious passivity*
- (b) *Exerting influence and pressure on local forces (e.g. through assistance and support programmes)*
- (c) *The threat and use of coercive measures*
- (d) *The (short-term) assumption of government functions via protectorates or quasi-protectorates.*

In reality, a combination of these four strategies is generally adopted, especially since the external actors are rarely able to agree a common position and adhere to it rigorously. The scale of external involvement is often inversely proportionate to its prospects of success: the greater the crisis and the longer it is ignored, the stronger the pressure to resort to comprehensive intervention. By this stage, however, such action can only curb the worst excesses and treat the symptoms. Furthermore, following a phase of intensive action, a complete *volte-face* often takes place, culminating in conscious passivity. Somalia was an extreme example, but this zig-zag course can also be observed in cases such as Haiti, Burundi or DR Congo. The erratic succession of ignorance, posturing, intervention and then a reversion to ignorance is probably least helpful when there is a need to reinforce the structures of fragile states on a permanent basis.

One reason for the parlous state of affairs described above is that engagement or non-engagement by external actors is based on a set of criteria which have little to do with the situation on the ground. Do traditional relations exist with the country concerned (e.g. a colonial relationship?) Are there regional links or geographical proximity? Is the country the focus of intensive reporting by the world media? Are other external actors involved? Can the requisite resources be mobilised and justified at domestic political level? Do economic, geopolitical or security interests come into play? Is there adequate legitimacy in international law? Against this background, an objective catalogue of criteria remains an illusion; opportunities and constraints will always play a key role in external actors' decision-making. Nonetheless, in view of the limited resources available and the growing demands made on them, the question which arises is whether the international community could agree specific standards or guidelines by which to influence developments in fragile states through incentives, sanctions or even military intervention. A prerequisite for this process is a more precise classification of the “failing states” phenomenon.

II. The complex reality of fragile statehood

Most Southern countries and the Soviet Union's successor states in the Caucasus and Central Asia cover a broad spectrum ranging from state consolidation to state failure. At the one end, there are countries such as Mexico, Brazil, Thailand and South Africa which are moving into line with the Western democratic and market economic model but often fail to afford their citizens the requisite protection from threats to their survival (e.g. failure of law and order in the face of high levels of crime, a lack of basic social protection against economic shocks, etc.). At the other end of the spectrum, there are collapsed states—an extreme scenario which has so far only been observed in a handful of cases (e.g. Somalia, Afghanistan, Liberia, Sierra Leone). The majority of countries occupy a position between these two poles: they are inadequately consolidated (“weak”) states in which legal certainty, protection from violence and a social infrastructure only exist to a partial extent. Some are failing states, which means that they are moving towards failure and may ultimately collapse. These cases in particular, in which statehood is “poised on the brink”, should become the key focus of foreign, security and development policy, so that a contribution can be made to their permanent stabilisation through medium- and long-term crisis prevention.

The classification into country types is a preliminary step towards an understanding of the various manifestations of state failure and collapse. However, it is inadequate as a means of appropriately defining the complex realities and facets of fragile statehood within any given country. In many Southern countries, for example, there are regions which exist beyond the reach of the state and which the

central power has never fully penetrated. Here, social stability, social welfare and conflict resolution are primarily guaranteed by “traditional” or local mechanisms and institutions which may enjoy popular legitimacy but whose practices sometimes conflict with universal human rights standards (e.g. northern Nigeria, northern Côte d'Ivoire, western Cameroon, numerous rural regions in Afghanistan and Pakistan, etc.). Absent or failed statehood therefore does not necessarily entail the complete disintegration of social stability and norms. Indeed, despite their fragile structures, many countries (e.g. Pakistan, Yemen) manage to function reasonably well for surprisingly long periods. In this context, social and state structures are linked in a process of interaction which may contain elements of cooperation, complementarity and competition. In all cases, it is essential to take systematic account, from the outset, of the (constructive and destructive) contribution made by social actors to state-building.

As a general principle, fragile statehood should not be regarded as a “deviation” from the OECD model but as the “norm” across much of the world. This view does not conflict with the OECD model's long-term significance as the historical and normative standard. It does, however, take account of the fact that the worldwide assertion of the liberal democratic model and stable state structures is not a realistic prospect in the coming decades. The complex nature of fragile statehood therefore precludes any “one size fits all” solutions. The mistakes made in the 1960s and 1970s, which resulted from relatively uniform nation-building or state-building strategies that failed to take genuine account of local factors, should not be repeated.

III. Dilemmas and challenges facing external actors

When confronted with the reality of failing or collapsed statehood, external actors regularly encounter grave problem scenarios to which solutions remain ambivalent. This section outlines answers to seven sets of questions which, in our view, encapsulate the key dilemmas and challenges:

1. How should external actors deal with ruling elites? Are they normally guarantors of state stability? Or does short-term regime stabilisation ultimately set the course for state failure?
2. Who should be responsible for public service delivery? To what extent can, or should, the international community provide these services?
3. Who should guarantee security? Are there alternatives to the state? Can non-state violence actors play a constructive role?
4. At which level should the state be strengthened? Which opportunities and risks arise as a result of decentralisation or federalisation measures?

5. Which approach should be adopted in dealing with conflicting objectives between the various domains of the state? Should priority be given to the security sector, for example?
6. How should the international community deal with *de facto* statehood? Is the conventional concept of sovereignty outdated?
7. When is it permissible for the “international community” to avert its gaze from crisis states? Which approach should be adopted in relation to “poor performers”?

1. Regime stability vs. state stability

In fragile states, “the state”—or rather its representatives—can only be regarded as an equal partner for external actors to a limited extent. However, an approach which circumvents the state and focusses primarily on non-state actors may unintentionally weaken the state further. How can this dilemma be resolved? During the Cold War, governments which presented themselves as the holders of state authority were generally recognised by the international community as a matter of course. This situation had changed, however, by the early 1990s. It has become apparent that regime stabilisation cannot be equated with stabilising the state: in many cases, clientelistic networks were promoted, rather than structures and institutions independent from individual persons. Development assistance or emergency relief often unintentionally encouraged *rent-seeking* mentalities; in resource-rich countries, the charges levied on foreign companies benefited not the local people but the ruling elites. Due to the profitable “rents”, these elites were rarely dependent on (tax-paying) citizens, who were thus granted very few rights of participation. Gaps in legitimacy and problems with loyalty were—and are—the outcome. The permanent stabilisation of these states can often only be achieved through a complete transformation of their existing structures. But who determines the direction and pace of this process? That role should fall to popular representatives who, in an ideal scenario, are legitimised through their election to office. However, such figures are generally in short supply. To some extent, this itself is an outcome of the external influence brought to bear over the last decade and a half: political conditionality aimed at fostering democracy and human rights has often been watered down, postponed or even left out of the equation altogether in the name of “realism” and, indeed, “stability”. Zaire (now DR Congo) under Mobutu Sese Seko is a classic example.

At the same time, external pressure to democratise has also proved counterproductive in many cases. As the *State Failure Task Force* demonstrates, young democracies are

especially conflict-prone. According to the Task Force, the incidence of violence and state failure in transition countries (“partial democracies”) was seven times higher than in authoritarian regimes or established democracies. This can be explained as follows: premature elections without regard for the “spoiling capacities” of old elites can trigger violent escalations around election day. Formerly privileged groups are also highly unlikely to passively accept the radical redistribution programmes launched by the new elites. Delayed or thwarted democratisation or transformation processes (e.g. Côte d’Ivoire) may trigger particularly high levels of violence as well, further accelerating the disintegration of the state.

Recommendations:

- The uncritical approach to ruling elites which see themselves as the North’s “natural partners” by virtue of their office, but do not constitute a properly elected or otherwise legitimate government, should be consigned to history. The distinction between “reformers”, “custodians” and “blockers” is helpful in adapting strategies towards these elites. First and foremost, contact to reform-minded movements should be sought, even if they are in opposition. At the same time, “custodians” should be encouraged to shift to the “reformer” camp.
- When dealing with counter-elites, civil society and other actors, it is important to consider not only whether they can be useful in resolving short-term problem scenarios, but also whether their actions are more likely to stabilise or destabilise states in the medium term. A simple exchange of elites is rarely feasible or, indeed, desirable.
- It is also important to take account of the “spoiling capacities” of the “old” elites who will not simply accept the loss of their power and privilege. Various strategies are available to deal with these old elites, depending on the circumstances. These strategies may involve persuasion, incentive-based negotiation, progressive socialisation or, indeed, deliberate marginalisation and exclusion.

2. The state vs. international actors

From the citizen’s perspective, the state’s image and therefore its credibility depend, not least, on whether it is capable of maintaining a physical infrastructure and delivering at least a modicum of social service provision. In places where public structures—such as schools, health centres or even the police—are not visible and accessible, citizens are less likely to develop a sense of loyalty to the state. Substitution by international development actors is clearly beneficial as it enables services to be delivered in tense situations. However, this

takes place at a price if, as a result, the state is unable to present itself as a positive actor and the international community cannot deliver basic services all over the country.

So which actor should fulfil the role of delivering basic services? The conflicting objectives which arise in relation to this question are considerable. In Afghanistan, for example, should this role be performed by the donor community, which guarantees a basic social infrastructure through its presence in the rural regions (building schools, health centres, etc.)? Or should a clear link be established between progress achieved and the government in Kabul? Indeed, might it be preferable to shift responsibility to provincial and local level and seek to cooperate with traditional authorities as well? There are no patent remedies. However, guidelines for action can be developed on a case-by-case basis.

Recommendations:

- As a general principle, bi- and multilateral donors and international NGOs should aim to utilise the state structures and the legitimate social institutions in the country concerned, thus enhancing their visibility and effectiveness. Donor organisations should only work with substitute or parallel structures in strictly exceptional cases, e.g. when the state lacks the requisite legitimacy, when there is a high level of repression, or the scale of misappropriation of resources or corruption is unacceptable. In such cases, it may be sensible to circumvent the state and entrust other actors (NGOs) with tasks relating to basic service delivery.
- When utilising non-state institutions, every effort should be made to ensure that linkage between these agencies and state institutions can be achieved over the medium term. This is generally easier at local than at central state level.
- Post-conflict situations in which state structures are still being established are a special case. However, in these cases too, there is the opportunity to involve state institutions at local level in a visible way from the outset, with the aim of transferring responsibility earlier than is otherwise customary.
- In the planning and monitoring of basic socio-economic services, standards must become less bureaucratic and more transparent and effective. Otherwise, the already weak capacities at local level will be further overstretched. Measures should be “marketed” in such a way that attention focusses mainly on the contributions made by the local partners, not a donor.

3. The state’s monopoly of power vs. non-state oligopolies of violence

In some regions of the world, the functions of government have never, or have only briefly, been exercised as a monopoly of power. In many African societies, for example, communal functions—and therefore power—have traditionally been shared among various authorities. Even colonial and post-colonial governments rarely established a state (or indeed a legitimate) monopoly of power, especially in interior regions or territorial margins. The co-existence of separate claims to power is therefore viewed by observers as the historical norm. This should not obscure the dynamics of this process: as alliances have shifted, the various authorities and violence actors have gained or forfeited influence. This applies especially when external factors come into play. There is a wide gap between the actual condition of statehood across large parts of the world and the OECD ideal: instead of a monopoly of power, an “oligopoly of violence” often emerges. This encompasses a fluctuating number of partly competing, partly cooperating violence actors of varying quality. In principle, the monopoly of power is, and will remain, superior to the oligopoly of violence. However, it cannot be established at will everywhere—even if there were the (rare) willingness to undertake massive long-term intervention to achieve this goal.

Whether we choose to endorse the following option or not, security—a key asset—can be delivered outside the parameters of the state by many different non-state actors, who often have a very ambivalent image. To some people, they are protectors; to others, they are a threat. All too often, warlords—as the most visible non-state violence actors—are the first to come to mind in this context. Community actors (e.g. traditional authorities, civil militia or secret societies) or other private agencies, such as commercial security services, may sometimes have a better track record (for a table on this issue, see the Policy Paper page on the SEF Website: www.sef-bonn.org/en/publications). There is no doubt that in fragile states, large sections of the population are deeply concerned about their own physical security. Any actor delivering this “underproduced” good is likely to have a head start—even over the remnants of the state authorities—in terms of securing legitimacy and therefore cannot be ignored for long by external actors. However, non-state actors must also earn trust and confidence before their status can be upgraded. Through the implicit recognition of these actors via cooperation, there is also a risk that others (including other non-state actors) will be devalued and excluded. In this sense, inclusion always entails exclusion as well, and its consequences must be carefully considered.

Recommendation:

- An analysis of the capacities of all security-relevant actors, their popular legitimacy and acceptance is recommended. In some cases, non-state actors are better able to deliver security services effectively.
- The general rule applicable in this context is that the higher their assumed popular legitimacy, the more they should be considered as potential negotiating and, if appropriate, cooperation partners.
- However, it is inappropriate to idealise these actors. When developing a support or containment strategy, the key question is whether they help, rather than hinder, state-building over the medium term. Short-term cooperation must therefore be embedded in a medium- and long-term strategy which safeguards the integration of different “security providers” within a state framework.

4. The central state vs. the regional and local level

There are various opportunities to strengthen decision-making competences and institutional capacities at sub-state level. Firstly, executive functions can be delegated to the regional or local level, whereby political authority and control over resource allocation ultimately remain with central government (decentralisation). Secondly, a genuine shift of competences may take place, which can also include the power to levy taxes (autonomy, federal structure). Models of decentralisation and autonomy often have positive connotations in the public debate, also in relation to preventing violence or averting disintegration processes. This is based on the premise that proximity to the subject is likely to give decision-makers at local level a better understanding of the situation and a greater sense of responsibility. They can thus initiate promising measures to avert escalations and ensure stakeholders’ adequate participation in the solution to the problem. The greater legitimacy generally ascribed to local institutions can safeguard the adoption of effective and accepted solutions, especially in crisis situations. In line with the subsidiarity principle, decentralisation can also lead to a decrease in challenges to a fragile state’s national institutions: from now on, it is the local administration which is expected to provide solutions. However, a prerequisite is that local actors are subject to democratic control and permit democratic processes to take place. On closer inspection, it becomes apparent that this condition is often not fulfilled. In practice, local forces frequently prove to be even more violent and authoritarian than their counterparts at national level.

An even more significant factor is that decentralisation may promote secessionist aspirations, which are especially feared in fragile states. Opponents of these reforms

argue that decentralisation, especially along ethnic lines, could lay the foundation stone for the subsequent break-away of entire regions, since competences and chains of command are now drawn together in provincial capitals and resources are controlled at this level. However, advocates of reform see autonomy in particular, or in some cases federalism, as the only lasting solution to minority problems (Ethiopia, Sudan). Additional threats arise from a combination of decentralisation and democratisation, e.g. when central government was previously regarded as neutral in a local conflict but after decentralisation takes place, has no further opportunity to perform a mediating role. Instead of conflicts being resolved, they may simply be transferred to a deeper level.

Recommendations:

- Regional and local actors should not be viewed naively as the “advocates” of development or statehood. Here too, it is important to answer the following questions: do they fulfil criteria relating to the successful production of public goods (including security), and do they enjoy genuine (and empirically proven) legitimacy?
- Without adequately consolidated central institutions, there is a risk that decentralisation or autonomy may reinforce existing centrifugal forces which further undermine the state. In this respect, the balance between the two levels must be maintained. In some cases, this means that central and regional structures must be reinforced in parallel.
- The general public often harbours unrealistic expectations of the central state, which is supposed to build schools and maintain hospitals, for example. These hopes may still linger for decades after the state’s disintegration. Very often, however, far less is expected of the levels below the central state (federal states/provinces, districts, local authorities). Against this background, external actors should ensure that they contribute to a realistic assessment of the state’s capacities at every tier of authority, from the local to the central level.

5. “Security first” vs. an integrated approach

A number of interdependencies and conflicting objectives exist between the various domains of statehood (security, welfare and political order), and external actors must take account of them in their activities. Typical problems include the following:

- On the one hand, in many cases, improvements are urgently required in the security sector, which ultimately means reinforcing the powers of the police and the

military. On the other hand, these powers must not be abused for the purpose of political repression at domestic level or, indeed, to achieve military objectives abroad.

- On the one hand, international development and financial assistance are needed to boost the revenue side of the state and enable it to invest in the public sector. On the other hand, this flow of funds must not exacerbate corruption, clientelism or mismanagement, which can ultimately lead to the exclusion of certain groups.
- On the one hand, democratisation measures are often necessary; on the other, a politicisation of collective identities in ethnically pluralist societies can be dangerous, worsening uncontrollable rivalries between groups.

In other words, reinforcing one domain of the state may mean weakening another at the same time. In some cases, this effect is unavoidable and can be cushioned through flanking measures. There are therefore strong arguments in favour of donors adopting an integrated state-building approach which takes equal account of all three domains and attempts to identify—and keep in check—destabilising interactions. This is the premise underlying the international community's activities, not least, in Bosnia and Kosovo. On the other hand, this type of comprehensive approach is generally unworkable as a blueprint in other contexts and is impossible to implement in practice due to the sheer number of potential cases. Ultimately, external actors must set priorities and target their scarce resources appropriately.

In doubtful cases, some people advocate adherence to the “security first” principle. They give priority to improving the country's security situation, which includes curbing the activities of non-state violence actors. This approach does not rule out the use of military and police measures. Security sector reform (judicial system, police, army, secret services), combined with projects aimed at demobilisation, disarmament and the reintegration of rebel forces or child soldiers, is seen as a central element of state-building. Strengthening the state is more or less synonymous with strengthening the security sector. Critics of this approach fear that this over-concentration on security does little to address structural problems, especially if the international commitment ends as soon as some measure of calm has been restored and attention shifts to the next crisis scenario. Furthermore, the principle that “there can be no security without development” is equally applicable in this context.

Recommendations:

- The two approaches are not necessarily mutually exclusive if they are pursued simultaneously. Over the short term, it is often sensible to focus on

“security first”—but long-term success is almost impossible to achieve without an integrated approach. What is required, therefore, is a strategy which links both processes.

- Approaches such as security sector reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) must be incorporated into core development operations to a greater extent. However, it is important to ensure that they are not pursued in isolation but open the way for more far-reaching reforms which must focus especially on the judicial system and the rule of law, anti-corruption measures, parliamentary rights of control, and the protection of human rights. In this way, positive interaction between the various domains can be achieved.

6. The conventional concept of sovereignty vs. the recognition of “new” realities

Territorial integrity and state sovereignty are pillars which enable secure and stable relations to be safeguarded within the international community. However, in individual cases, they impede the recognition of new realities and the associated options for action. This applies especially to relations with para-states, *de facto* states or “states within states”, i.e. structures which fulfil the essential criteria of statehood but are not recognised by the international community (e.g. Northern Cyprus, Somaliland, Kosovo).

However, changes appear to be afoot in this area. For example, whereas the Charter of the Organization of African Unity (OAU) contained commitments to the immutability of borders and strict adherence to the principle of sovereignty, the African Union, founded in 2002, modifies these principles through explicit reference to the option of humanitarian intervention. The AU's founding document, the Constitutive Act, defines as a principle: “The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.” The 2001 report by the International Commission on Intervention and State Sovereignty (ICISS) points in a similar direction. Under the heading “The Responsibility to Protect”, the Commission calls for state sovereignty no longer to be viewed primarily as a right of defence against external intervention but as states' responsibility to protect their citizens. It endorses intervention by the international community—which may even include military action—in extreme cases, provided that it complies with regulated procedures.

This modified concept of sovereignty has implications for relations with sub- and para-state structures as well. If the central state fails to protect human rights, for example, responsibility can be transferred to reasonably well-functioning local structures as well as the international community. Somaliland—where state-building “from below” has been relatively successful to date—is a case in point. Nonetheless, it has been impossible to establish regular “inter-state” relations as yet, and most donors require such relations to be in place before entering into commitments.

Nonetheless, simply by virtue of their size, on the one hand, and the dysfunctionality of their state structures (protection and control of external borders possible only to a very limited extent, etc.), on the other, various African states are likely to remain structurally unstable for the foreseeable future. Furthermore, the international community has so far failed to develop a model for “nationwide peace missions” in large countries. In Kosovo, for example, there is no prospect of achieving a satisfactory status or transferring the international community’s responsibilities to local structures any time soon.

Recommendations:

- The debate about political and legal relations with *de facto* states should be pursued—without false taboos—both at UN and regional level (e.g. in the AU). The report by the *High-Level Panel on Threats, Challenges and Change* appointed by UN Secretary-General Kofi Annan could create a new dynamic in this context. This should be utilised by the German Federal Government in order to contribute its own conceptual approaches to the international debate.
- In cases where *de facto* statehood exists, new development policy models should be devised by donors in order to fill the permanent and unsatisfactory gaps which currently exist. In individual cases, donors should be able to offer time-bound cooperation options to para-state organisations or provide support through independently administered funds. Façade structures of delegitimised states have no automatic right to be better funded than well-functioning equivalents which enjoy at least a modicum of legitimacy.
- For a transitional period, it may be politically opportune to put issues of status under international law “on the backburner”. Parties to a conflict are only prepared to accept the status quo if there is clearly some degree of openness and flexibility. However, this policy should not make issues of autonomy and independence taboo subjects over the long term, as this would impede the emergence of a political arena within the society concerned. Instead of being “reactive”, the international community

should respond pro-actively to *de facto* independence in justified cases and develop appropriate legal and political mechanisms for the recognition of realities.

7. “Stay involved” vs. “exit”

At the end of the 1990s, disillusionment and difficulties with governments which were unwilling or unable to implement reforms resulted in preferential treatment being given to “good”, as opposed to “poor”, performers in development cooperation. After all, as is borne out by numerous empirical studies, the yield on development investment is far higher in a favourable political environment. As a result, there was a (partial) withdrawal from fragile states with poor framework conditions and a discernable downward trend. Donor governments viewed this withdrawal as necessary in order to preserve the credibility of their own development policy guidelines in the eyes of their electorates.

In recent years, it has become apparent that “exit” or a lack of engagement can send a powerful signal to stakeholders and may also exert some degree of influence over other external actors and their behaviour. But to what extent can (partial) withdrawal send out a meaningful signal? This largely depends on the individual case. However, there is a growing view that this type of strategy may be counterproductive as it tends to reinforce disintegration processes. In some cases, it may also deprive local groups of opportunities to bring their concerns to the attention of the international community. And although development policy is unlikely to contribute significantly to overcoming fundamental social and economic problems on a long-term basis in situations of profound instability and insecurity, it nonetheless plays a key role in implementing time-bound stabilisation measures. Ultimately, the key question is this: should the local population be left to fend for itself in crisis situations, or should an attempt be made to help satisfy its basic needs, partly through innovative mechanisms?

Recommendations:

- Foreign, security and development policies based on political and social human rights are essential, especially in crisis situations, in order to protect people from direct threats to their human security through repression, violence, economic need and natural disasters.
- However, in view of the limited resources available, external actors have no choice but to use cost-benefit analyses more systematically as a basis for decisions on engagement/disengagement in situations of

fragile statehood. In this context, it is essential to consider whether the potential benefits clearly outweigh harmful impacts (e.g. the indirect legitimisation of a repressive regime). For development policy, non-traditional development-oriented objectives, such as contributions to stability and security, must be taken into account in this context as well.

■ Graduated responses which fall between engagement and assistance, on the one hand, and “withdrawal/disengagement”, on the other, are becoming increasingly important. Full “withdrawal” is generally an unfavourable option as it removes any opportunity to monitor the situation or undertake commitments outside state structures.

IV. What can be done? Recommendations for German foreign, security and development policy

Promoting good governance—especially the permanent reinforcement of adequately legitimate state structures (state-building)—is likely to become an even more important task for international organisations and bilateral donors in future. The most comprehensive measures currently being implemented by the international community in this field—within the framework of UN-mandated or UN-led missions—are taking place in Bosnia, Kosovo, Afghanistan, Liberia, Sierra Leone, Haiti and Côte d’Ivoire. Other cases may be added in the near future. German engagement focusses especially on Bosnia, Kosovo and Afghanistan. Furthermore—and this is the real challenge—there is a need to avert actual or imminent disintegration processes in a number of weak or failing states. The over-concentration of measures and resources on failed states does not do justice to this task.

In light of the pressure created by the problems outlined, Germany will have to shoulder more, not less, of the burden in future, especially if it is serious in its intention to take on “global responsibility” with a view to securing a permanent seat on the Security Council. This task is no longer a matter for one or two government ministries; it is the responsibility of the Federal Government as a whole. In the past, it has become apparent that an increasing number of ministries have become involved in measures which can be regarded as “state-building” in the broader sense. This increases the need for interministerial strategies and structures. To date, however, the policies pursued in this area have tended to be driven by events, *ad hoc* decisions, sometimes deep-rooted conflicts between departments, and a lack of resources. This has a direct impact on the quality of German engagement in crisis regions.

So far, the Federal Government has failed to produce a policy concept on how to cope with fragile states. A number of sectoral strategies are in place (e.g. poverty reduction, good governance, police training, Civil Peace Service, assistance in the form of military equipment,

etc.), but they are developed by the relevant ministries in accordance with their own logic and priorities. This situation should change if there is a genuine desire to influence developments on the ground. Security sector reform is a case in point: here, the separate government ministries are funding and implementing various programmes in other countries, but these are not linked by any common logic or objectives. They include, for example, military policy cooperation, bilateral police assistance, judicial cooperation, programmes to reintegrate ex-combatants, and the GTZ’s Security Sector Reform project. It would therefore be sensible for the relevant ministries (i.e. the Federal Foreign Office (AA), the Ministry for Economic Co-operation and Development (BMZ), the Defence Ministry (BMVg), the Ministry of the Interior (BMI) and the Ministry of Justice (BMJ)), to agree joint guidelines and standards in this area in order to improve the coordination of their programmes and the selection of recipient countries. Similar measures could be considered in other fields as well (e.g. anti-corruption measures, promoting the rule of law).

Recommendations:

■ The Bundestag and the Federal Government must produce a strategy on relations with “weak” and “failing” states as a matter of urgency. This strategy needs criteria for progressive levels of German engagement in the international framework on a case-by-case basis. The reference criteria are as follows: what level of risk will exist for the local population and regional/international security if the state concerned disintegrates further? What are the prospects of success? Where is there a will and a capacity to undertake continuous and long-term engagement? Where are other countries involved, so that Germany’s engagement is dispensable? Which form of international legitimacy underpins the activities of actors, and what degree of legitimacy do they enjoy at local level?

- The Federal Government needs integrated interministerial structures as a basis for its foreign, security and development policy action, above all to enhance its capacity to respond appropriately to the problem of fragile statehood. It must also develop its own profile by setting conceptual priorities. The “Civilian Crisis Prevention, Conflict Resolution and Post-Conflict Peace-Building” Action Plan, adopted by the Federal Government in 2004, is a good starting point, as it explicitly identifies “the establishment of stable state structures” as a priority and underlines the need to foster the rule of law and security sector reform. The interministerial steering group, which was recently established to assist the implementation of the Action Plan, should set appropriate priorities and focus especially on the problem of fragile statehood.
- Germany should contribute its position on relations with fragile states to the EU debate on developing and implementing the European Security Strategy to a greater extent. An appropriate initiative in the G8 and UN frameworks is also desirable and possible; in this context, attention should focus particularly on fostering the rule of law.

As regards institutional changes in Germany, interministerial structures should be reinforced and, in some cases, newly established. This applies both to the political decision-making level as well as to the operational level, with a view to establishing clearer procedures, more binding agreements and swifter decision-making processes. Models include the interministerial “strategy management teams” in Great Britain or the Office of the Coordinator for Reconstruction and Stabilization, established by the US State Department in 2004. Here, staff from different government departments work together to coordinate the US Administration’s overall policy in this area.

Recommendation:

- At operational level, interministerial task forces should be established for specific crisis-torn countries or regions. They should consist of representatives of the key ministries with a view to ensuring maximum policy coherence. These task forces should take on the leading role within the Federal Government and act as the main interlocutor for international partners. The interministerial group recently set up within the framework of the “Civilian Crisis Prevention” Action Plan, in which all ministries are represented by their Crisis Management Commissioners, could act as a link between the political and operational levels, provide impetus, and take on a steering role.

There is also a need for action on financial and human resources. The *Global Conflict Prevention Pool* and the *Africa Prevention Pool*, set up by the British Government in 2001 to improve its own policy coherence, could serve as models for the financial and administrative domains. The pools are administered by Britain’s Foreign Office, Ministry of Defence and Department for International Development in accordance with common rules and on the basis of coordinated country or thematic strategies. Compliance and implementation are monitored jointly by the three ministries. A similar mechanism has been established in the Netherlands; known as the “Stability Fund”, its resources are disbursed jointly by the Foreign and Development Ministries. Yet despite some measure of success in Germany, e.g. the launch of the Civil Peace Service and the Center for International Peace Operations (ZIF), there is still a notorious shortage of civilian personnel and experts for deployment to crisis states. This applies to police officers, judges, customs and tax officials, legal experts and administrators, who are generally withdrawn from their domestic duties for the duration of their missions abroad.

Recommendations:

- As proposed in the “Civilian Crisis Prevention” Action Plan, the Federal Government should explore and then implement the option of setting up joint funding instruments. This is the best way of linking the policies pursued by the Federal Foreign Office (AA), the Federal Ministry for Economic Co-operation and Development (BMZ) and the Defence Ministry (BMVg) more effectively and minimising the friction losses which typically arise in the management of resources. A further option for consideration is to launch several thematically linked funds, as well as a central fund for the “restoration of states’ functionality”.
- In the medium term, the Federal Government, in agreement with its European partners, should proceed with the establishment of a permanent civilian infrastructure which extends beyond the police service. It would include rapid response teams which could be deployed, above all, to provide relief in acute crises or assist with state-building in the initial post-conflict period. In this context, it is necessary—in agreement with multilateral partners—to set up appropriate local structures to facilitate the implementation of coherent German and European policy on the ground. Otherwise, external agencies will be used as pawns by local actors.

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Editor:
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Translation: Hillary Crowe

ISSN 1437-2800

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Frieden, January 2005

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