There are by now libraries full of writings on 'failed' and 'fragile' states and on 'statebuilding' and its relationship to 'peacebuilding'. This note is only a modest introduction to a complex topic.

I. Fragile States-States in Situations of Fragility.

At a general level, there is fairly broad agreement on the characteristics of a 'weak' or 'fragile' state e.g.

- Inability to deliver on core functions such as the provision of security and basic services;
- Weak policy and institutional capacity
- Deadlock on decision-making
- Economic decline
- Inability to protect its citizens or itself a threat to its citizens
- Political instability and violent conflict
- Loss of monopoly on use of force, possibly loss of control over all parts of its territory
- Unable to fulfill international obligations.

Quite different perspectives however emerge depending on where one puts the centre of gravity, i.e. more on the institutional weaknesses and the resulting inability to deliver basic services and fulfill some other core functions (a more 'capacity' and 'functional' or even 'development' oriented focus) or more on the lack of participation, responsiveness, transparency and accountability of the state/government towards its citizens (a more 'political will' and 'governance' oriented focus).

One OECD-DAC paper put quite some emphasis on the service function: : "*states are fragile when state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development and to safeguard the security and human rights of their populations.*" (OECD-DAC 2007)

The authors of a report for SIDA put more emphasis on the governance aspect: "*The term is somewhat ambiguous, but we argue that a weak state is characterized by 1) lack of societal cohesion and consensus on what organising principles should determine the contest for state power and how that power should be executed, 2) low capacity and/or political will of state institutions to provide citizens with minimum levels of security and well-being, 3) high vulnerability to external economic and political forces, and 4) low degree of popular legitimacy accorded to the holders of state power by portions of the citizenry.*" (Söderberg & Ohlson 2003:44)

A CIDA definition is more comprehensive and seeks to combine both perspectives:

> "*States are perceived as fragile when the government does not demonstrate the will and/or the capacity to deliver on core state functions such as the enforcement of legitimate security and authority; the protection, promotion and implementation of human rights and gender equality, the rule of law and even the most basic provision of services (e.g. in health and education, in enabling the private sector, and in environmental protection). When these core state functions are unreliable and inaccessible, the legitimacy of the state erodes and is likely to result in a breakdown in the social 'pact' of trust and cooperation within civil society and between civil society and the state. States are fragile not only when they are moving towards failure, but also when they are recovering from failure.*" Quoted in NSI 2007:7). Note the subtle distinction between 'government' and 'state'.

A dynamic concept: Even strong states do not deliver optimally all the time and do not meet most citizens' expectations virtually all the time. States may also be doing better in some areas and less well in others. In short, 'fragility' is not an absolute, but a moving point on a continuum. The dynamic dimension of the concept is also underlined by its opposite i.e. a 'resilient' state. 'Resilience' is the capacity to adjust or to manage transitions (e.g. Woodward 2004:8; Jones et alii 2008:2)

A contested concept: The concept of 'fragile' or 'failed' state is contested on intellectual and political grounds. The intellectual critiques argue that the concept is vague and analytically imprecise; that it is ahistorical, that the analysis leading to the conclusion of 'fragility' focuses too much on 'capacity' and 'effectiveness' of the formal institutions without regard for how things function informally; that the analysis tends to be technical and blind to the political dynamics leading to 'fragility'; and that the implicit norm behind the judgment is one of a neo-liberal state that is not agreed to nor appropriate everywhere in the world. The political critiques distrust the use of the concept because it becomes a pretext for 'intervention' or 'stigmatises' a country and society going through a troublesome transformation. It also conveniently distracts from the sometimes persistent failures of international actors to build peace and functioning states even where they have a dominant presence (e.g. Haiti, Afghanistan).

II. Why the International Interest in Fragile States and Statebuilding?

There seem to be two driving concerns, one developmental the other security oriented.

► Fragile or failed states fail to stimulate human development for their citizens and hence impede progress towards the Millennium Development Goals. In addition they are more prone to violent conflict, which further aggravates the impediments to human development.

► If in the late 20th century there was significant concern about 'authoritarian' states; that has now been replaced by the 'fragile' or 'failed' state. Fragile or failed states, like 'rogue' states, are seen as 'safe havens' and breeding grounds for international crime and terrorism. As result, the policy and practice of 'statebuilding' get closely interlinked with the security concerns of the 'international assistance' actors.

III. Statebuilding: Institution-building and Governance Reform.

Whether one leans closer to the functional or the governance aspect of states in situations of 'fragility' will influence how one goes about 'state building'.

Some equate 'statebuilding' with 'institution-building' e.g. to establish, reform or strengthen the institutions of the state. The attention of the state builders tends to go to the perceived 'capacity deficit', which invites approaches that focus on financial and material resources and technical assistance. The issue of 'political will' is downplayed (a technocratic approach) or primarily addressed by external actors through 'pressure' and 'conditionality', and through the strengthening of 'civil society' to be able to set higher demands of the national government and monitor its performance. Critiques have argued that this can better be called 'institution-building' (Jones et alii 2007:4) or 'institutional capacity-building'.

Others put the emphasis on the political process between state and society: Governance is not a technical issue of capacity building and organizational change only. "*It is fundamentally about power and politics, about formal and informal institutions, and about how the state relates to society.*" (Steer 2007:2)
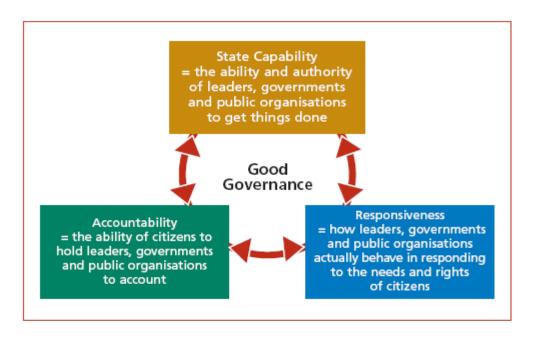
> "*A capable state, if it is only a state with a capacity to deliver things to people, that's not good enough. It has to be a state that is grounded in the people… And the challenge for peacebuilding is how you work along with society and how you convince those who hold power to construct a state that is rooted in society.*" Amos Sawyer, former president of Liberia. IPA-CIC 2005:1"

The emphasis here shifts from the institutions of the state to the political processes through which governments and society negotiate expectations, demands and obligations, in other words the political processes through which a 'political compact' is established. That requires not only effective state institutions but also a certain political culture of governance, as well as an informed, confident and organized society (which is larger than the intermediary organisations that make up 'civil society').

Within certain policy-circles including the OECD-DAC, the governance/political perspective has gained significant ground. The OECD principles on engagement with fragile states for example see the goal of engagement as the 'building of effective, legitimate and resilient states'. The definition clearly goes beyond 'capable institutions'.

> "*Statebuilding is an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations. (…) Positive state-building processes involve reciprocal relations between a state that delivers services for its people and social and political groups who constructively engage with their state. This necessarily requires the existence of inclusive political processes to negotiate state-society relations. (…) State building is intimately connected to the political processes through which social/political relations and power relationships between holders of state power and organized groups in society are negotiated and managed. This process is often violent, but it can provide the basis for developing state capacity and legitimacy, if the parties involved can identify common interests and negotiate arrangements to pursue them. (…) Legitimacy aids the process of state building, and is reinforced as state building*

delivers benefits for people. The state's ability to manage state-society expectations and state-building processes is influenced by the degree of legitimacy it has in the eyes of its population. As such, legitimacy is both a means and an end for successful state building." (OECD-DAC 2008b points 1, 2 & 3)

Graph from Steer 2007:3

IV. Statebuilding and State-formation.

International, predominantly 'Western', statebuilding not surprisingly uses implicitly or explicitly a model that can be described as that of the 'liberal' democratic state. What tends to be forgotten is that this is a fairly recent political construct that often took centuries to attain. The notion of 'state formation' opens up wholly new dimensions of reflection and, when taken serious, might significantly alter how one goes about 'statebuilding'.

First of all, any historical perspective will show that the process of 'state formation, be it from within or in the context of empire or post-empire 'nation-building', has nearly always been a violent one. A monopoly of power is rarely established without serious violence. Sometimes the central powers are not strong enough to impose their system on the whole territory and mixed forms of governance exist in what are really 'hybrid states' (see e.g. Mehler 2009).

Secondly, centralization precedes democratization. Statebuilding itself is largely a top-down and rather authoritarian process – 'democratisation' tends to come slowly. In statebuilding power relationships are re-shaped which typically implies that there are winners and losers. The resulting political culture is often – at least for an initial period- one of 'winner takes all'. This can lead to what political scientists have referred to as 'kleptocracies' or 'patrimonial', 'predatory' or even 'mafia' states. That tend

generates counter-movements resulting in a 'contested' state. Liberia, Sri Lanka, Sudan, Somalia can serve as examples.

Thirdly, democratization is itself conflict inducing – and is reversible. Even processes of 'democratisation' are high risk:

> "*While democracy is, by definition, a method of resolving societal conflicts in a non-violent manner, the route to it, that is, the process of democratisation, is a revolutionary and conflict-generating process. This is so because it involves dramatic changes. These changes include new methods of deciding who is to have political power, new methods for exercising political power and often—and as a consequence—new balances of power and new power holders. It goes without saying that this is conflictual, particularly in a weak state where the hold on state power is often the only route to influence and wealth*." (Söderberg & Ohlson 2003:45)

The difficulties of introducing Western-style competitive party-politics and elections in a society that does not have a strong 'democratic culture' with all its encouragement of cooperation alongside the political competition, are by now well known. Democratization is also reversible. The history of states often shows periods of 'democratisation' followed by 'de-democratisation'. It may take a long time before a democratic culture has developed that is so strong that it can effectively resist attempts to establish more authoritarian and intolerant forms of governance.

Fourthly, decentralization is often seen as contributing to democratization as it brings governance closer to the people, and makes it easier for society (the 'citizens') to hold the authorities to account. Yet there may be a complex relationship between decentralization and centralization:

> "*…it makes sense to support processes of decentralisation, but only under certain conditions. Decentralisation in its many forms has the potential to bring political power and political accountability closer to the people and thus increase the sense of legitimate rule and meaningful participation in political processes among citizens. However, there are absolutely crucial caveats to this. There must be something to decentralise. You cannot decentralise something that was never centralised and workable. A state apparatus that is in effect an empty shell is pointless to decentralise. Similarly, decentralising a cleptocratic system will not solve anything. Decentralisation is pointless or counterproductive as a structure for increased legitimacy if it not filled with content. This means material resources and it means human capital, both of which are goods in short supply in a weak state.*"(Soderberg & Ohlson 2003:47-48)

Contemporary 'internationally assisted' statebuilding tries both to significantly shorten the historical time required to develop a state that is genuinely 'rooted' in its society, and to take the violence out of the state formation process. These are formidable challenges. Moreover, societies with strong and effective states have all had their own historical pathways to get where they are now. These are shaped by their own particular geographical, geo-political, social, cultural and economic circumstances. Statebuilding efforts cannot ignore these particular characteristics and proceed along a generic trajectory.

V. Statebuilding and Peacebuilding.

Statebuilding is generally held to be supporting peacebuilding as well.

> "*Successful state-building supports the consolidation of peace in a number of ways. First, it enhances mechanisms for security and conflict resolution at the national level that should carry legitimacy in the eyes of the populace and the outside world. Such mechanisms—be they justice systems, policing systems, or service delivery agencies—provide a credible arena and framework (or at least a foundation for a framework) for social groups to express their preferences and resolve their conflicts non-violently. If states work mainly to provide public goods rather than line private pockets, they reduce the incentives for populations and political elites to use violence. (…) From the perspective of sustainable economies, functioning and legitimate states also provide the infrastructure for sustainable development with a diminishing role for external actors. All of these factors point to a complementary relationship between peacebuilding and state-building, one which exists in many circumstances and should be nourished.*" (Calll & Couzens 2007:7)

But it is also recognized, at least in the policy discourses, that 'statebuilding' and 'peacebuilding' are not identical. The following are currently fairly authoritative understandings of each:

> *Statebuilding is an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations. Positive statebuilding processes involve reciprocal relations between a state that delivers services for its people and social and political groups who constructively engage with their state.*

Source: OECD-DAC, Statebuilding in Situations of Fragility: Initial Findings, August 2008

> *Peacebuilding involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development.*

Source: Conceptual basis for peacebuilding for the UN system adopted by the Secretary- General's Policy Committee in May 2007

Yet there is a fairly strong current of opinion that holds that 'state building' and 'peacebuilding' are easily convergent paths, and that 'state building' is a prerequisite for 'peacebuilding'. That view can be found in articulations like the following:

> "*Peacebuilding is about building relationships, but relationships cannot take place in a State vacuum.*" (quote in Interpeace 2010:5)

> "(…) *a growing focus on state-building has provided an important corrective to the neglect of state institutions that long-persisted within peace-building efforts. A consensus has emerged that a minimally functioning state is essential to maintain peace. Other institutions, actors and alternative sources of authority may be essential in their own right, but they are no substitute for the state in the long term. A state-building approach has also brought a longer-term perspective*

to address the developmental needs of fragile states in a more realistic timeframe." (Rocha-Menocal, A. 2009:2)

Another strand of opinion however sees some serious potential –and often real- tensions between 'statebuilding' and 'peacebuilding'. Various observations are made to argue this perspective:

- ► Bad memories of 'the state': Populations who have lived the consequences of a repressive or predatory state (or rather a state instrumentalised by a particular section of the elite that used it to serve its own interests with a high degree of coercion, will be understandably weary of a re-construction of a 'strong state' and oppose strong centralization even if that may seem opportune from efficiency and effectiveness considerations;
- ► State formation and democratization are conflict-inducing processes: this point has been elaborated before;
- ► Peace concerns can undermine the creation of a legitimate state: This can manifest itself in a number of ways. For instance, the need to appease 'spoilers' in the interest of peace and security can strengthen the hand of repressive rulers, and can crystallise politics along the same lines over which a conflict was fought (e.g. Bosnia and Herzegovina). In addition, provisions like power-sharing arrangements, which may be necessary to overcome distrust in the short term, can also have a negative impact on the capacity and effectiveness of state institutions in the medium to long term. A drive towards inclusiveness and broad representation at all costs can lead to such a dilution of authority that the political system becomes unable to function effectively;
- ► Attempts to rapidly deliver tangible 'peace dividends' can lead the assistance actors to bypass the state institutions. In the longer-term this can undermine efforts to build or rebuild a legitimate and effective state;
- ► The import let alone imposition of external blueprints ('imposed democracies') that are not rooted in the local society they are supposed to serve, is vulnerable to a lack of perceived legitimacy and may produce a (partial) backlash, both against the external assistance actors, and their blueprint on offer.

There are synergies to be found between statebuilding and peacebuilding but these are not automatic. Statebuilding and peacebuilding have somewhat different objectives, will follow somewhat different pathways and will proceed at somewhat different speeds.

If there is at all a chance of some 'accelerated statebuilding', there are fewer options for 'accelerated peacebuilding'. 'Political reconciliation' for example may be somewhat susceptible to external pressure, but deeper and more genuine social and psychological reconciliation can hardly be 'speeded up' beyond what those concerned are prepared for.

Starting from 'statebuilding' to get to 'peacebuilding' is not the same as starting from 'peacebuilding' to get to 'statebuilding.'

"Rebuilding a country after conflict is about far more than repairing damaged buildings and re-establishing public institutions. Fundamentally, it is about rebuilding relationships at all levels, restoring the people's trust and confidence in governance systems and the rule of law, and providing the population with greater hope for the future. A state, after all, is not only institutions and legal frameworks, but the relationship that is established between these and society.

Both the re-establishment of institutions and legal frameworks, and the development of legitimacy and trust around them, are critical to the consolidation of peace and security in fragile post-conflict situations. When either is neglected, the threat of conflict re-emerging is very real. Statebuilding and peacebuilding are potentially contradictory processes – the former requiring the consolidation of governmental authority (with unavoidable "winners" and "losers"), the latter involving its moderation through compromise and consensus."

VI. Some Attention Points in State Building.

POSTWAR STATEBUILDING: KEY TENSIONS AND CONTRADICTIONS

- Outside intervention is used to foster self-government.

- Foreigners are involved in defining 'legitimate' local leaders.

- 'Universal values' are promoted as a remedy for local problems.

- Statebuilding requires both a clean break with the past and a reaffirmation of history.

- Short-term imperatives often conflict with longer-term objectives.

Paris and Sisk 2007:4

The following are some of the important attention points for state builders, articulated through quotes.

- Overemphasis on the executive: "*There tends to be too much emphasis on strengthening the executive branch against the representative assemblies, and the finance ministry against the development social ministries.*" (Woodward 2004:7)

- Overloading the reform agenda: "*We risk undermining our long-term governance objectives by expecting too much too soon, and by over-loading the reform agenda.*" (Steer 2007:3).

- Trade offs: Not enough attention is paid to the inevitable trade-offs between policy options (e.g. Woodward 2004:7)

- Building states from within: "*Too much state-building is 'supply-driven'; the better way to go is to work with local actors to build the state from within.*" (Woodward 2004:7).

🔲 State-building is deeply political: "*Any institutional change, and this includes reforms in governance demanded or supported by external assistance, has direct distributional consequences. Therefore, it always instigates a political contest among those who will lose long-term and those who will gain.*" (Woodward 20034:7)

🔲 The delicate question of political inclusion and popular participation:

Including the 'opposition': "*Statebuilding (…) depends on a commitment to political inclusiveness that reaches out to those now in opposition to the government.* " (NSI 2007:12)

Wider popular inclusion: "*…a key challenge for statebuilders is to strike a balance between maintaining the cooperation of former fighters and other potential "spoilers," while simultaneously drawing a wider range of groups, and ultimately the population as a whole, into the postwar political process. (…) Compounding this dilemma is the danger that the international presence may itself constrain political participation: first, by diverting civil society activity towards externally-defined objectives rather than allowing local groups to pursue their goals and activities to develop in a more undirected manner, and second, by exercising de facto decision-making power that is not subject to popular control and accountability.*" (Paris & Sisk 2007:6)

Resistance to popular participation: "*Power-holders are unlikely to put political will behind the implementation of transparent and participatory governance unless they are convinced that it will contribute to the long-term stability of their own political survival. Understanding both the need for information sharing and the value of participatory processes for stability requires a change of mind-set.*" (CommGAP 2008: 3)

🔲 Building legitimacy:

The challenge for weak states to gain legitimacy: "*…a key difficulty for the international community is that the kind of legitimacy supported by donors (namely, that based on process-oriented legitimacy as well as on performance) can be hard to achieve, given the weak governance structures, lack of capacity, and impoverished economies that characterise fragile states.*" (Rocha Menocal 2009:2)

Legitimacy through public participation: *"…political processes tend to reinforce the legitimacy of the state when they are inclusive of all major political forces and open to public participation. (…) Participatory processes, therefore, reinforce the resilience of the state by providing a non-violent means for mediating conflicting interests and by constraining the power of rulers or elites.*" (Jones et alii 2008:10 / 11)

The legitimacy of informal institutions: "*In addition, various forms of legitimacy that coexist in such settings may undermine rather than reinforce one another. Informal institutions, rules and processes, such as customary practices and clientelism, are often seen as more legitimate and reliable than formal institutions. But until now donors have found it difficult to deepen their understanding of, let alone engage with, non-formal forms of legitimacy. In addition, some donor practices have contributed*

towards undermining, rather than strengthening, the legitimacy of the state." (Rocha-Menocal, A. 2009:2) see also (Call & Couzens 2007:9)

🗝 Capacities in all sectors of society:

Strong states must be balanced with strong societies: If good governance depends on the quality and effectiveness of political processes through which state and society negotiate demands, expectations and obligations, then what is need is not only a relatively 'strong' state but also a relatively 'strong' or 'resilient' society. The notion of 'weak states' can be enriched by that of 'weak society' i.e. the people that are or should be a 'political community' that needs mechanisms to manage its own affairs.

Capacities for constructive engagement, public debate and public reasoning, dialogue and negotiation are required at *all* levels of society. Working only with intermediary organizations in society ('civil society') may also not be good enough – we know that intermediary organizations do not necessarily properly represent society at large or work as effective intermediaries between the elite / government and the wider population. So how to engage a wider "society"?

The disconnect (and sometimes polarization) between „government‟ and „civil society‟ that international assistance actors have sometimes unwittingly encouraged, is not helpful in the long term, if it is not also complemented by capacities to negotiate and collaborate.

🗝 Long term engagement:

Long-term engagement is required: "*The idea of successive missions also calls into question the usefulness and appropriateness of thinking about "exit strategies" for statebuilding operations. As Dominik Zaum writes, "exit should best be seen as a process, not an event, and therefore does not mean disengagement."**8** According to this view, rather than exiting, external actors remain involved in promoting (and to some extent overseeing) the statebuilding process in progressively less intrusive ways*." (Paris & Sisk 2007:9)

Long-term finance is required: "…*acute problem of lack of multi-year funding, especially for governance, rule of law and capacity-building programming. (…) Donor governments need to engage with their legislative and parliamentary bodies to further elucidate the negative implications of short-termism in donor financing*." (Jones et alii 2008:38)

VII. A State that Belongs to its Citizens.

So the challenge is not just to build or rebuild a functioning state. The key questions are: what sort of state and above all, **whose state**? The institutions of the state need to be rooted in society or people will not trust them nor feel the confidence to seek reforms if in their current shape they do not perform in accordance with expectations. Questions of 'ownership' and 'legitimacy' (beyond the formal legitimacy that comes from winning elections) are central.

Statebuilding has to be undertaken with a peacebuilding lens. The 'how' is as important as the 'what'. That means that state builders constantly have to ask key questions:

- Who wins and who loses in different options?
- How to proceed so that action builds rather than erodes trust?
- Who needs to be involved to make the process legitimate and create broad enough social and political support?
- Who is best placed to facilitate what process: what role for which internal and which external actor; what role for which state and which non-state actor?
- Is there strong and growing local ownership of the process and its outcomes?
- Can a certain option actually be sowing the seeds of future resentment and possible conflict?
- Are solutions offered and pursued based on compromise or even consensus?

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