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PEACEBUILDING AND FAILED STATES SOME THEORETICAL NOTES

On 31 March and 1 April 2006, the Peace Studies Group organized an Experts Meeting within the research project "Peacebuilding processes and state failure strategies", funded by the Ford Foundation. The texts gathered here correspond to the papers presented in the first part of that Meeting, which dealt with the conceptual debates on "fragile states", "state failure" processes and peacebuilding. A second group of texts gathering the presentations concerning the three case studies included in the project (Angola, Mozambique and Guinea-Bissau) will be published soon.

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Peacebuilding and “failed states”: some initial considerations

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Civil wars vary enormously – in their causes, duration, intensity, territorial extent, and goals. What all civil wars do have in common is their origins in the challenge of some group or groups to the *authority* of the state to rule – that is, to the rules defining who has the right to rule, make decisions, and use the instruments of coercion that are specific to the state to enforce them, and the rules on how they are legitimately selected.

In this sense, civil wars are always about state failure. That statement, however, requires a definitional distinction between the two characteristics of a state – a *moral* aspect, in the sense of an authority to rule (including to use coercion legitimately, should it be necessary) and all the consequences for a population of that moral definition (who is included, thus what their identity is, how those rules affect daily life, etc.), and secondly an efficient, *administrative* aspect, in the sense of a set of actors, offices, and the bases of their authority to implement those decisions. State failure is the loss of that authority, the moral aspect; it may not be a loss of the administrative capacity.

This distinction separates peacebuilding activities, aimed at ending a civil war, from other uses of the term “state failure.” The term has assumed such widespread use in the past 5 years, particularly since the U.S. National Security Strategy of September 2002, which is said to be a direct response to the attacks on New York and Washington on September 11, 2001, and the conditions in Afghanistan – declared a failed state as a result – that made it possible for Al Q’aeda to operate internationally, that it is ever less of analytical use and ever more seen as a political instrument. To the extent it has any analytical worth at all, however, state failure is a label used more for state *incapacity*, not contested legitimacy – an inability to prevent actions that threaten the security of the major powers of the international system, and by extension, it is said, international peace and security more generally. It is the outcomes that serve to define state failure, and an untested presumption about state incapacity their explanation.

Countries where peacebuilding operations are sent may well lack the capacity to prevent such threats – most specifically lack of control of their borders against transnational, organized crime organizations trafficking in illicit goods like drugs and

guns, but also people and money, the exodus of refugees and asylum seekers, the trade in arms that should be controlled according to international agreements (especially mobile weapons of mass destruction), and infectious disease; the internationally accepted operational definition of sovereignty is still control over the territory claimed. The problem of peacebuilding, however, lies with the first aspect, *authority* over the right to rule and the use of force. No matter what the specific causes of the violence and subsequent war, it is a challenge to the existing structure of political power and its distribution of privilege and rights. Without some agreement on the post-war rules, either an acceptance of the pre-war status quo, a formalization of the results of war, or some post-war constitution as a result of external mediation, the continuing uncertainty about the relative power of competing groups will keep the war going.

Peacebuilding literature and aid programs make a mistake, I suggest, in saying that state institutions have collapsed and that the problem of state-building is to build capacity. In fact, during war, governments continue to perform many functions. Challengers hold territory by setting up alternative administrations and winning support and loyalty from local populations. Local officials look to protect their populations even if the state's overall capacity to do so has gone, or they move with their displaced populations into refugee camps or places for the internally displaced and continue to govern them. Organization for war itself tends to promote the consolidation of armed groups and their organization into increasingly rule-bound, internally coherent and structured hierarchies of command and control (Zahar; Sanin), or for those who do not so consolidate to lose. The multiple individual loyalties and local conflicts that play a dominant role in the violence of war (Kalyvas) also begin to congeal behind the metanarrative of the conflict and its simpler division of political identities and loyalties into enemy camps, friend and foe, and their respective claims to rule.

Without some stabilization in the constitutional questions – the balance of power among groups and their right to rule over others – the activities necessary to state functions and supportive societal and private actors will not take place. Nearly all programs aimed at “capacity-building” – a civilian police, a reformed army, a civil service, governmental ministries and their procedures, judges and courts, human rights activists and protectors, a banking system, civil-society organizations, political parties, etc. – will fail to be sustainable and combine together to create a functioning (preferably

democratic) system. Thus, in this fundamental, constitutional sense, state-building is the precondition of peacebuilding, it is the first task.

What that strategy implies in each specific case cannot be predefined. We can, however, attempt to classify post-conflict countries in terms of the degree to which the war ends with a general settlement of the political, constitutional question of who rules, or not. Military victories, for example, are characterized by the emergence during war of strong political leaders who have either created a new structure of power and governmental institutions during the war or have the power to do so immediately afterwards, as Jeremy Weinstein analyzes in places like Uganda, or can be said to apply to the civil wars won by communist parties in the 1940s-1960s, such as Yugoslavia, China, Vietnam, Cuba, and North Korea.

The peace agreement, whether heavily or only nominally assisted by third-party outsiders, while a negotiated end to the violence, may also have settled the basic questions, as in El Salvador or Mozambique or countries like Guatemala or Sierra Leone where the negotiated settlement actually reflected a military victory of the pre-war power structure. Elisabeth Wood argues that the civil war in El Salvador was a war for democratization against an oligarchic regime (and compares it to the South African case, which tends to be classified as a negotiated transition to democracy, not a civil war, although it also was that).

This trade-off, where the political bargain is actually between class rebels and those with economic power, between democracy and structure of *economic (class)* power, does raise an important question about the extent to which the stabilizing agreement only makes possible a peaceful struggle for the continued ambitions of many to transform the state (and the structure of economic power with it) after the cease-fire and thus whether such cases belong to a third category where the peace agreement only lays out procedures for settling the constitutional issues (e.g., a transitional or interim government, a constitutional assembly, an election), as in Angola, Afghanistan, Kosovo, or Iraq but does not reduce the level of uncertainty about power enough to stabilize the post-war transition.

A fourth category would be those where the peace agreement does not settle the constitutional issues, such as Bosnia and Herzegovina (the Dayton Agreement would appear to have done so, but a coalition between one of the three warring parties and the outside interveners did not accept it and used [are using] the post-war period to change

that constitutional agreement), and the post-war period is a continuation of the wartime struggle pure and simple, but with externally imposed constraints on the use of force.

Making these distinctions should give analytical leverage over the over-used concept of a "hurting stalemate" (Zartman) as the cause of war termination, that is, that wars end because people are tired of the violence and destruction and because armed groups no longer see the possibility for a military victory. Even if this is the case, it does not tell us enough about the process of peacebuilding after a cease-fire. Did the structure of power that provoked the war emerge intact after the war? Did the war produce leaders and power bases that are seen as incompatible with peace (e.g., with democracy), as is usually implied in the labels "warlords," "radicals," "extremists," or the casual use of the term "spoilers"? Is the nature of the political agreement for a cease-fire (whether it is called a peace agreement or not) a real settlement, or only a displacement of the task of the war onto the post-war period, and if so, are the new procedures agreed? Whose agreement matters empirically – the warring parties', or the external powers' who choose to intervene for reasons of their own interests and political goals? Does the ceasefire agreement allow space and establish procedures that at least reduce the level of uncertainty for the general population sufficiently so that other activities can go forward, or not?

A pervasive and justified criticism of most peacebuilding activities and donor projects is that they ignore power and politics; not only are they supply-driven, taking little account of local "demand," context, culture, and memory, but they are also technocratic to concede to the constraints of intervention and legal charters of intervening parties and organizations. The focus is on "capacity-building," or what I call a "public administration" approach to state-building. One can identify at least 4 problems with the current policies:

1. The goal of this capacity-building program is a state that fulfils the tasks that outsiders consider necessary for their own national interests and for international order, what I have elsewhere called an "internationally responsible state" and "reliable partner" for outsiders. The concept of state failure is particularly prominent in this conceptualization of the state – the "failure" applies to specific international obligations (debt servicing and repayment, security for foreign direct investors, enforcement of

trade agreements, control over trafficking in illicit goods, people, disease, and other transborder activities seen as dangerous to others, human rights guarantees at home, a security apparatus for the international war on terror and other intelligence and counterinsurgency operations, and so forth). These tasks may well not be a priority for peace consolidation, and they tend to ignore the domestic bases of the authority as well as capacity to fulfil these obligations, including the financial resources to create and, especially, sustain these capacities.

2. This capacity-building aims at building what one might call a Weberian state, one based on legal-rational authority, technical standards, and enforcement capacity. This may be quite contrary to the existing capacity and it may conflict with the bases of political authority established during the war or possible in the immediate post-war period (for example, land privatization, transparency and formalization of accounts, or a state centred in the finance ministry and central bank rather than the spending ministries such as education, health, and communal infrastructure such as electricity, water, and local roads and police). It is a transformative agenda that may not have domestic support, and even if it does, is hugely demanding, often creating an overload on domestic resources that can itself be the cause of new failure. The specific elements of a neoliberal agenda in this regard have been frequently criticized, but the way they play out in a peacebuilding context has not been studied in the detail it needs.

3. It ignores the need for reducing power uncertainties and establishing authority – the moral aspect of the state – and it may well *increase* the uncertainty. For example, studies of peacebuilding transitions reveal genuine confusion among locals about who the government is, since donors tend to support the social services aspect of states in the initial period and may well be the most visible. Also, programs requiring new forums of community participation to distribute aid monies, or gender mainstreaming through quotas of women's participation, or decentralization of the implementation of key policy decisions (such as land privatization), or requiring implementation of donor programs by outsiders (international NGOs, foreign accounting firms, etc.) because they do not trust the government, even the introduction of democratic elections early before the institutional conditions exist – these are all highly disruptive, and in some cases even *revolutionary* programs that can create more uncertainty and thus insecurity, rather than less.

4. It ignores the need to build a local constituency for peace, its personal risks, and the costs as well as benefits of the specific political outcome of the war or peace negotiations, which is always necessary to a certain extent even if, in general, people are tired of war and genuinely welcome peace (true in most cases, if not all). Much of the work in peacebuilding is done, and must be done, by citizens outside government initiative and resources, so this neglect is far more serious than, e.g., securing a "correct" vote in post-war elections. Included in this neglect is a failure to assess the distributive consequences of donor policies which could create new bases for war or worsen the perception of injustice that fuelled the war, for example, regional inequalities, economic inequalities, or power inequalities.

In sum, in regard to the questions posed for this session:

1. Is statebuilding a peacebuilding strategy?

If done correctly, it is the essential task of peacebuilding, even though an effective strategy for economic development must accompany it.

2. What are the most frequent obstacles that the use of this terminology poses to peacebuilding?

There are many problems with the concept of state failure. I will single out two for particular consideration in the early phases of peacebuilding. First, it is highly insulting and even if an operational definition of what failure means can be agreed (e.g., did the government fail to protect its citizens from physical threat and open violence? Did it fail to protect its citizens against a hugely destructive natural disaster or disease epidemic? Was it willing to violate all human rights, above all to safety against abuse by official security forces, in the interests of fighting an insurgency or defending the power of the regime against challengers?), the label is more likely to provoke political quarrels along the lines defined by the war itself and conflicting interpretations of cause and guilt. Second, its substantive focus tends to be on state administrative capacity, not authority, and on the capacities needed to satisfy external parties (persons, states, organizations, conventions), not what would be the needs of peace, the local capacities actually needed to satisfy these external requirements, and the specific type and amount of resources needed to do both.

3. Is it possible to identify State performance indicators for peace consolidation?

I suggest a few below, in hopes of provoking discussion:

A. How to measure the level of power uncertainty – is it low enough to allow the tasks of state administration and the private, economic, civil-society, and political-society activities to proceed?

B. How to identify the contribution of the cease-fire or peace agreement (and the terms of its implementation) to a stabilization of power uncertainties? What is the starting point politically?

C. How to measure overload – when are donors' requirements on the government asking too much (too many forms, too rapid a response, too many tasks, too many budgetary resources) in relation to existing resources and conditions, and how would one measure this?

D. How to measure the distributive biases on the two issues that really matter to people in peace consolidation, first, employment opportunities (income-paying jobs, conditions for subsistence and survival, or whatever else is locally appropriate), and second, security against open violence and abuse by those with power resources? Do these two depend on supporting a particular political party, are some localities or regions favoured over others, are the procedures for resolving legal disputes, such as over property, clear and public, or does one need to find someone with specialized knowledge?

E. Are rules over the use of force gaining clarity and societal recognition, and are there measures of their effective enforcement? What social and cultural mechanisms are active in assisting this restoration of domestic peace and peaceful negotiation of conflict? Are indicators of violence actually rising, and if so, what kinds of violence (is it violence that reduces trust in the government and the peace, or not, as the comparison between El Salvador and Guatemala by William Stanley is able to distinguish)?

F. Are essential services being restored (or, if new, being provided), such as garbage collection, electricity, health clinics, clean water, public schools? (This particular indicator must be locally specific, of what the people themselves identify and expect. One method to identify this may be "rumours" and small talk in public spaces, such as markets, rather than formal opinion surveys.)