

## International Conference

# Post-Crisis State Transformation: Rethinking the Foundations of the State

Linköping, 1-5 May 2009

## Background

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Consensus is growing that the use of the Western model of the Nation State in post-crisis contexts poses many problems. This particular model of the State is at the foundation of the current international system. While it originates from the specific socio-historic context of Europe, the model is widely applied in post-crisis countries (post colonial, post-conflict and post-Soviet) under the assistance or influence of the international community. Mainstream models of State-building assume that State legitimacy can be established and State collapse avoided through international intervention combined with military presence, huge amounts of aid and democratic elections. Realities on the ground lead us to question their effectiveness, at least in the way measures have been implemented. Rather than the methods of State reform or State-building, the focus of this conference is the question of the model of the State and its transformation. Far from basing itself on the Weberian concept of the State, the conference takes the expectations and needs of the population as a foundation for State transformation.

While international and national actors are involved in the building of the State, local and regional actors are also involved in forming governance structures. They have received much less attention. The authorities taking over when States fail, and ultimately collapse, include the actors of war, such as military faction leaders; but they also include remnants of the former State administration, revitalized traditional authorities, religious courts, local businessmen, etc., who continue or begin to exercise authority as "functional equivalents" (security, social services etc.) of the former State, at times aspiring to replace it. Civil conflict can therefore be understood as centrifugal dynamics that benefit private actors (political, military, religious, social leaders) on the basis of sub-national communities. At regional or international level, the presence of cross-border identities (be it of ethnic, religious, language, or other nature) may represent a further competition for the State and may increase interference in State affairs (through military interference, diaspora support).

The link between legitimacy and stability established decades ago by Max Weber still sounds very contemporary when considering post-conflict contexts: there is no possibility of recourse to coercion to impose a political system in the long term. A key question during the conference therefore is how to assist in the (trans)formation of States so that they can function in the interests of populations at local, national and international level.

## Context

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The initiative of the conference originates from a collaboration between the research Institute “Espace Europe” at the University Pierre Mendès France in Grenoble and the independent research institute Modus Operandi on the dynamics of State reform and transition. More specifically it has realized:

- A collection of case-studies on transition processes in post-conflict and post-Soviet situations;
- A study commissioned by the French Ministry of Defence on the processes of State failure and possible responses of international State actors;
- A working group on State Reconstruction at the University Pierre Mendès France;
- A series of debates on legitimacy and governance in collaboration with the Institute for Research and Debate on Governance (IRG);
- Multidisciplinary approach of State in development and transition countries

In 2008 the European Science Foundation has granted an award to this initiative to organise the conference in Linköping, Sweden.

## Objectives

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The conference seeks to catalyse research concerning State reform in post-crisis situations through:

- A publication based on the papers presented by the key speakers
- Exploring the field of research in order to open new directions and initiate future collaborative actions;
- Developing potential impact on policy recommendations

## Methodology

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- An interdisciplinary approach: international relations, economics, political science, international law, sociology and anthropology and security studies;
- Dialogue among academic research and policy-oriented research;
- Case-study approach: the challenge of working with various disciplines is that each discipline uses different definitions of concepts, like for example “State”. To prevent the danger of getting “lost in translation”, we propose to contextualise presentations and conclusions as much as possible in specific case-studies.
- The conference welcomes scholars from all the continents

## Format

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18 key speakers

- Up to 50 short talks based on papers with 20 grants (see call for papers)
- Duration: 3 days
- About 10 plenary sessions
- Poster sessions and round-table discussions

## Scope : Post-crisis State transformation analysed in 8 sets of questions

### 1-Configuration of actors and post-crisis State transformation

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The variety of the actors involved in the process of transformation of fragile post-crisis States is a new challenge and there are no singular solutions to the questions: "what should be done?" and "how should these actors be organised"? A major issue for understanding dynamics of political integration and disintegration is to what role internal and external actors, each with their own set of values, history and motivations, could and should play. Internal actors are organised according to political criteria, but also through communities, ethnic groups, clans or other particular groups of interest. Moreover, internal and external are not fully distinct categories since external actors work through local organisations and internal actors function with international financial support. The growing role of NGO's and diaspora on the political scene reveals this complexity.

A relatively new phenomenon is the increasing role of external actors in the process of State formation. The Charter of the UN provides its Security Council with the legal basis to take action to "restore international peace and security". This legal basis however does not guarantee the success of international intervention, neither the satisfaction of the populations concerned. Non legal actions such as the NATO intervention in Kosovo or the US intervention in Iraq are examples that raise additional questions about the legality of actions and the legitimacy of the new powers. One should also consider the "soft action" of bilateral or multilateral support for State reform or institutional strengthening through international cooperation (European Neighbourhood Policy), through technical assistance, conditional economic support or through development policies in general. The question thus is which international assistance can and should be provided for States that are in need for stability, effectiveness and legitimacy?

While international donors partly impose Western (French, British, American) models of democracy and/or market reform through aid conditionality, the Islamic Courts in the Horn of Africa point to another model and other actors. They practice a form of Islam that is imported from Saudi Arabia and that is very different from the Islam traditionally practiced in the region. In addition, an international actor like China does not prioritise democracy and focuses on economic development in its international relations. In Africa's economic development crisis, this model is becoming attractive. So, beyond the question of the balance between internal and external actors in the process of State formation, the competition between different models for the State is another issues in response to the question "Who is shaping the State?" Any configuration of actors will bring particular profiles and constraints to the process of State transformation. It is expected that papers could help understanding these interactions.

Among possible topics to be addressed by papers:

- How to organise the multiplicity of actors in the process of State transformation?
- The role of external actors in relation to sovereignty and legitimacy in post-crisis States
- Case studies about the use of conditionality in dealing with post-crisis States
- The influence of configurations of actors on further State building
- The privatization of State resources: neo-patrimonialism, oligarchies, criminal networks and corruption among politicians

## **2-Trajectories of post-crisis State formation**

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International assistance is currently based on the dominant model of the centralised Nation-State. While numerous examples show that this model is ill-adapted to local realities, we consider it important to better understand its historical roots and the set of problems its creation, as an institution, responded to. A hypothesis could be that the form a State takes depends on the main problems it has to solve and the main constraints its historical context provides. A certain perspective considers post-crisis States as path dependent. Another perspective considers each trajectory as based on a specific and implicit social contract or consensus within a society.

Which analytical tools can help us to assess the variable trajectories or processes of State formation and State disintegration, in a context characterised by unique combinations of forces and players?

For the purpose of analysing trajectories of post-crisis State formation and based on standard literature, the developed type of State can be characterised by four dimensions. The first concerns the provision of security and safety within a territory through its regalian functions. The second refers to a collective identity for a population through the organisation of the political scene. The third is related to the rule of law and the role of its bureaucratic apparatus. The fourth concerns its economic functions like monetary and fiscal monopoly and budget redistribution. The forms these four functions of State take will enable to characterise any type of State. It may further be useful to distinguish the process of State formation, which requires a minimum of above functions, and the process of State development, dealing with the further improvement of the relations between State and society.

Above mentioned four dimensions are strongly interdependent, it is therefore possible to distinguish different trajectories of State formation and change. In post-feudal Europe for example, the Nation-State that appeared was often based on the legitimacy gained by the new leaders after revolutions, that enabled them to implement the fiscal monopoly and to finance the regalian functions of security. In another historical context, like Afghanistan today, the incapacity of the State to ensure security prevents it from meeting the economic expectations of the population and thus to gain internal legitimacy. Other possible trajectories of State formation start with economic power as a result of control over resources like oil or taxes (fiscal paradise), or start with military power.

*Among possible topics to be addressed by papers:*

- Taxonomy of weak States
- Case studies of processes of formation and disintegration of the State (historical perspective and contemporary dynamics; interdisciplinary approaches)
- Taxonomy of trajectories of State transformation
- The diversified demand of State: contradictory local, national and international interests and actors

### **3-Connecting Nation and State in diversified societies**

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The question to what extent State formation should be guided by models and principles is a highly debated one. Some argue that while the Nation-State model, with a population sharing a national identity, works well in some parts in the world, it is ill-adapted for other countries. This argument is mostly used with reference to African States. They claim that the European model of the Nation-State is simply the wrong institution for those States for reasons of demography, geography, political culture and social structure. Others see no direct relation between socio-historical aspects and State failure. They argue for increased international intervention and institutional strengthening instead. Many young States prove that an overarching identity is difficult to construct. To what extent is Habermas' distinction between political and pre-political national identification still relevant?

National identity is usually the result of a long term political, rather than a natural process. French national identity for example is the result of long-term political project (national education, oppression of local languages and military service) and still contested by minority groups.

The variety of identities among a State's population is translated into the existence of different loyalty and solidarity groups (family, clan, tribe, territory, language and corporate group) that can be described as overlapping circles. They answer the needs of the population in economic (providing solidarity, mutual aid), political (power, support, connections, work) and social terms (identity, recognition, social status), but they do not respond to all needs. Can some only be fulfilled by the State. How does the absence of an overarching identity impact the way in which State institutions function? What models of national identification permit sub-national identities? An analysis of the dynamics of group identity and the relationship between different levels of collective identity will help responding to these questions.

*Among possible topics addressed by papers:*

- What to base identity upon in diversified societies?
- Case studies about processes of building constitutional patriotism
- Do federal States provide satisfactory answer to the question of national identification?(Case-study of unified Ethiopia in comparison to federal Eritrea)

## **4-Elections, democratisation and their effects on State consolidation**

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Democratisation is a key aspect of international assistance in post-crisis contexts. Democracy is often understood as simply creating the correct institutions and holding regular presidential and/or parliamentary elections. The Western model of the democracy may not be well-adapted to societies organised around sub-national collective identities, and is even likely to become a factor of destabilisation. Bratton, Mattes and Gyimah-Boadi state that the supply of democracy does not in itself consolidate a regime. An equilibrium between mass popular demand and institutional supply is the sine qua non for the consolidation of any regime.

Could the concept of the gap between “ the demand and supply of democracy” be useful to understand such phenomena as:

- In some States, democratic elections give little space to opposition: in Russia, beyond the authoritarian policy, the demand for a political pluralism is weak; in South Africa, the national liberation party dominates the political scene.
- The re-election of former communist leaders in post-communist Central European countries.
- The practice of “ethnic votes”, where people vote according to group adherence rather than on the basis of a political program.
- In contexts of post-conflict societies, new presidents -while massively elected- could rapidly lose their legitimacy. More generally, electorates are highly volatile in transition situations.
- The recognition and institutionalisation of traditional leadership in States with democratic institutions (parliamentary elections, constitutions). The Council of Traditional Leaders in South Africa and the courts Aksakal in Kyrgyzstan are examples of these hybrid systems. They are contested in respective countries on the basis that the values that inspire their way of governing contradict certain human rights and democratic principles.

*Among possible topics addressed by papers:*

- The relationship between democratic institutions and informal political practices such as factionalism, clientelism, patronage etc.*
- The impact of holding elections in a political context of polarised identities or in strongly stratified societies*
- Traditional leaders and elections*
- Alternatives to elections for the formulation of general will of a population*
- Tools for analysing the demand of democracy.*
- Case-studies about the role of civil society in relation to democratisation.*

## **5-Central powers in search of renewed legitimacy**

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Increasingly international organisations recognise that the legal State does not equal the legitimate central power. They therefore give more attention to the issue of legitimacy in formulating policy guidelines for action in response to fragile States (OECD).

The distinction between legality and legitimacy brings up multiple issues: the recognition of different forms of power and the different types of legitimacy that compete with each other within a political order. An analysis of legitimacy will help us to better understand the conditions for working States. What are the sources (ideological, traditional, religious, economic) and what are the levels (local, regional, national, international) of legitimacy and how do these interact?

We postulate that political legitimacy exists on the ground in any context because any social organisation is in search of political organisation. Post-conflict States show that legitimate power institutions and actors are often non-State ones. Examples of political legitimacy outside of State institutions are: warlords that gained authority at the expense of traditional and State leaders like the Oodua's people's Congress in Nigeria who provide a degree of security, the Hezbollah in Lebanon and their role in providing social services. Others are conflict resolution mechanisms effective at local level and managed by non-State actors and businessmen and the respect they enjoy in the eyes of the population.

This legitimacy at local level stands in sharp contrast to the difficult emergence of legitimacy at the level of State institutions and national leaders. Is building on local practices and dynamics or the institutionalisation of informal structures a solution? What happens to the legitimacy of actors in the case of international assistance? Does it transform the relationship between leaders and those governed? Examples show that the institutionalisation of traditional institutions can negatively impact their legitimacy like for example in the case of a nationalist elite attempting to appropriate the traditional authority of chiefs.

*Among possible topics addressed by papers:*

- Analytical approaches to and definitions of legitimacy
- Case studies about the construction of the legitimacy of central powers
- Actors and transformations in political legitimacy in post-crisis contexts
- The scope of the State action: limits to State competence?
- Case studies of traditional institutions integrated in the State structure
- From access to the exercise of power: how to renew legitimacy?



## 6-Criteria for working States

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In the process of post-crisis State transformation, the focus of policy debate is on “how to make States work? ”. However, prior to this question we should ask “what is a working State?”. According to international law, there are three conditions that make the difference between a recognised working State and a failed State: A territory rather well-defined, a population attached to this territory by a citizenship and “effective public powers” able to make and implement law and maintain order (including Weberian monopoly of legitimate violence) as well as public services and utilities. This internal effectiveness of the State is also a precondition for the fulfilment of international commitments of States. The point is that this approach of working States does not solve all the challenging problems.

Failure in processes of State formation with strong external emphasis as in Iraq or Afghanistan stresses this normative challenge. In these cases, external legitimacy is no guarantee for legitimacy on the ground and does therefore not lead to the fulfilment of the basic functions of the State (security, political leadership, social services etc.). On the opposite side, « quasi-States » like Somaliland, fulfil basic functions of the State, but are not recognised internationally. To what extent secessions, like in Kosovo, Transnistria or Abkhazia could be understood in a similar way? A “State within a State” like Ituri in Eastern DRC, or “narco-States” inside States, like in Colombia or Afghanistan pose further challenges to definitions of working States. The normative challenge is to find a right posture between an ethical and a pragmatic approach, between legality, legitimacy and effectiveness.

Democracy is also connected to the rule of law or to the « Etat de droit » in the Western model of Nation-State. This refers mainly to important processes as the democratic adoption of the rule of law, the subordination of military to political power, the separation of powers, the independence of judiciary power. One speaks now of “the state of the law” also within organisations like the UN. To what extent is the state of the law a key component of a working State?

Considering working States, one should specify the content of this attribute. One possible way is to consider the different functions of State. This opens the way to different profiles of a State that works.

It introduces however the typical danger of the functional approach. Any dimension of State activity cannot be purely functional in diversified societies organised in groups, and the conflict dimension should be taken into consideration. For example if a State is functional when it manages to install a single official language, this is not necessary functional for minority languages. Moreover one should also consider the functional dimension of non-institutionalised phenomena (private security arrangements, solidarity mechanisms, traditional leadership). Is it thus possible to rely on pragmatic solutions when addressing normative challenges?

*Among possible topics addressed by papers:*

- Empirical analyses of working States
- Typologies of working States
- Non-State forms of political legitimacy
- Case studies about the improvement of the state of the law in post-crisis States
- Case-studies of the erosion or of fulfilment of the criteria of working States



## 7-Empirical approaches to State performance

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Analysing State performance proves to be a political necessity. Among examples of existing analytical models (combining qualitative and quantitative data) let us mention the worldwide governance indicators developed by the World Bank, the Failed States index developed by the Fund for Peace and regional ones like Afrobarometer and the African Peer Review mechanism. We acknowledge the fact that the practice of quantitative analysis of complex phenomena, like for example State legitimacy, in itself is criticised. Moreover, the question of their limited transferability poses itself.

A comparison between several analytical models highlights firstly their scope. What aspects of the State do they measure and what are current needs to refine these? Do these analytical tools for example take into account aspects like legitimacy, the rule of law, effectiveness of public administration and public opinion? Aspects that in the end might be more important to establish whether a State fulfils its functions than merely the strength of its institutions.

Secondly, In addition to the scope of evaluations, the process of evaluating State performance is another element that needs to be integrated in the analysis. Is the evaluation itself part of the process of reform, what is the level of public participation in the evaluation and how does this effect the outcome of political reforms?

*Among possible topics addressed by papers:*

- Comparative analysis of models of State assessment
- Do assessment tools take into account different models of the State?
- Innovative tools to evaluate State performance
- Beyond measure: the process of evaluation

## 8-Is State formation still an agenda? What alternatives to Nation-State?

How to interpret current phenomena that challenge State as the right place for the collective identification, the policy expression of the citizens or the regulation of economic processes?

One observe situations where non-State actors fulfil the role of the State. In many countries, whether they have a highly developed State system or whether the State is hardly developed, traditional mechanisms continue to exist that fulfil partly the role of the State. What is the future of these systems in the process of State (trans)formation? What has been the experience of their institutionalisation at State level like the Guurti in Somaliland or the creation of the Council for traditional leaders in South Africa?

It is well-known that globalisation has reduced State power, without transferring effective systems of governance and regulation at the international level. Several authors already stressed the need for "Region-States" embracing several current States of a sub-continent. This goes along with the strong trend towards regional economic integration as in Europe, South America or Africa.

One is also facing the opposite trend of downsizing the relevant level for the exercise of State functions. Authors underlined that one should pay more attention to the rise, like in Somalia, of systems of adaptation and governance in response to the prolonged absence of a central government, driven by the evolving role of coalitions, business groups, traditional authorities, and civic groups in promoting more "organic" forms of public order and rule of law. One has also to take into considerations other actors both supporting and challenging State building processes: these actors are diasporas and NGO and make together national and State levels less relevant.

Moreover, one observes new forms and new places for the expression of citizenships and for shaping the policy scene. Among these new trends, two should receive more attention from the analysts. One is the rise of the city as the increasingly relevant level for collective identification and the building of citizenship, as a place for optimal balance of powers and counter-powers. The other phenomenon to analyse is Internet as a new vector for the expression of opinions and interests and for the building of collective identities.

Are above observations signs that we should re-think the role of the State, as a shift from the ultimate institutionalisation of people's sovereignty to a mere interface between local, national and international actors?

*Among possible topics addressed by papers:*

- States without Nations, Nations without States, what are the alternatives?
- Examples of people's satisfaction with aspects of governance at local, regional, State or international level.
- Comparisons between national and local ways of governance
- Role of diaspora as non-State actors
- NGO's, substitute for States?
- Back to the city as the cradle of democracy?
- Internet and democracy

## Organisers

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### **Espace Europe** (<http://webu2.upmf-grenoble.fr/espace-europe/>)

The research Institute **Espace Europe** is a pluridisciplinary institute inside the University Pierre Mendès-France in Grenoble (France). It is made up of lawyers, economists, sociologists and international relations specialists. It focuses on European construction including the new peripheries and the constitution of the “third circle”. The European Neighbourhood Policy includes the new states originating from the USSR and the Balkans as well as Mediterranean countries.

The research programs are structured in three themes:

- Security
- Economical transition
- Political transition

### **European Science Foundation (ESF)** (<http://www.esf.org>)

The European Science Foundation (ESF) is an association of 77 member organisations devoted to scientific research in 30 European countries. Since it was established in 1974, it has coordinated a wide range of pan-European scientific initiatives, and the flexible organisational structure means it can respond quickly to new developments.

ESF's core purpose is to promote high quality science at a European level.

The ESF is committed to facilitating cooperation and collaboration in European science on behalf of its principal stakeholders (Member Organisations and Europe's scientific community). This cross-border activity combines both 'top-down' and 'bottom-up' approaches in the long-term development of science.

The Foundation is committed to providing scientific leadership through its networking expertise and by ensuring that there is a European added value to all of its initiatives and projects.

### **Linköping University**

Cooperation across subject and faculty borders and an entrepreneurial spirit of education is the hallmark of Linköping University (LiU). Since its foundation in the 1970's, the university has established itself as an innovative and modern institution in both education and research. (<http://www.liu.se>)

### **Modus Operandi**

Modus Operandi is an independent research institute created in 2006 associated to research programmes of the University of Grenoble (University Pierre Mendès-France, Espace Europe).

Its research is dedicated to the issue of the state reform in post-crisis contexts. This includes the issues of conflict transformation, political transition, and state-society relationships. Our approach is focused on the question of political legitimacy and different sources of authority, institutionalised or not, in order to rethink the architecture of the state.

Modus Operandi is part of a network gathering academic researchers, civil society organisations and practitioners, from the public and private sectors.

Its various means of dissemination are

- Publications on partners' website (<http://www.institut-gouvernance.org/>; <http://www.irenees.net>) and revues;
- Courses in Universities, Business schools, Professional training and Online