

State Responsibility, Sovereignty, and Failed States

Donald W Potter

School of Government, University of Tasmania

**Refereed paper presented to the
Australasian Political Studies Association Conference**

University of Adelaide

29 September-1 October 2004

Introduction

A responsibility of states is to deliver political goods – security, health and education, economic opportunity, good governance, law and order, and fundamental infrastructure requirements (transport and communications). States fail when they are no longer willing or able to carry out these functions. One of the problems in dealing with failed states is in defining exactly who and what they are. State failure need not be reserved for cases of complete state collapse, either into civil war or anarchy but can also be understood as a process involving the weakening of a state's capacity to meet its responsibilities. Taking this further it may be beneficial to consider state failure as a spectrum which ranges from weak or failing states through failed states to collapsed or non-states. In this case a failed state is one that meets a specific set of conditions and excludes states that only meet some of the criteria which can then be classed as weak or failing states depending on the extent of their decline¹. By using a state's responsibilities a model can be developed that enables states to be defined and categorized as weak, failing or failed, so that the international community can determine which states no longer meet their sovereign obligations and need support or intervention.

However, the question of state failure and the potential for intervention raises larger question: what effect does a state's failure have on its sovereignty? Is sovereignty a right or a responsibility? The traditional philosophy of "sovereignty as a right", that has held sway since the Treaty of Westphalia in 1648, has been that a country's internal affairs are its own affair and that other states do not intervene unless it threatens them, or breaches a treaty, or triggers an obligation of alliance. This is illustrated by United States Secretary of State Robert Lansing who when declining to pursue action against the leaders of Germany, Austria and Turkey at the conclusion of World War I for what would now be known as "crimes against humanity" said "the essence of sovereignty is the absence of responsibility". Reflecting the view of the time he said sovereign leaders should be immune from prosecution and that the United States could only judge those violations that were committed against American persons or property.²

On the other hand, "sovereignty as a responsibility" requires that states provide the appropriate standard of political goods and services to ensure the protection and well-being of their citizens.³ If they refuse assistance there is a responsibility by the international community to react. This creates a dual characteristic to sovereignty; an internal component which relates to the state and its relationship to its people, and an external component which manages the relationships between states.⁴

There are many other concepts of sovereignty between these two extremes. Robert Jackson⁵ refers to positive and negative sovereignty and the concept of "quasi-states". That is, states that lack the capacity to support themselves without outside assistance, or

to contribute to the international order but who are legally recognised through membership of the United Nations. Stephen Krasner⁶ argues that the Westphalian model of sovereignty based on the principles of autonomy and territory, has never been an accurate description of many of the entities called states, since breaches of the model have been an enduring characteristic of the international environment because there is nothing to prevent them.

Afghanistan and Somalia have demonstrated the danger of ignoring failing or failed states. Both became bases from which large scale terrorist attacks have been launched. The question for the international community to establish is how is the correct response to be determined, even if there is an agreement as to the nature of the problem, and a realistic assessment of appropriate objectives. The adoption by the international community of the concept of "state responsibility" facilitates a model to identify where assistance is required.

Defining Failed States and the Concept of State Responsibility

One of the first problems in dealing with failed states is in defining exactly who and what they are. Several definitions have been developed by scholars in the field such as the following:

- Failed States are tense, deeply conflicted, dangerous, and bitterly contested by warring factions⁷;
- Failed States are states which cannot or will not safeguard minimal civil conditions, i.e. peace, order, security, etc. domestically⁸;
- Failed States can be defined in terms of their demise of the practical operation of governmental functions for an internationally recognised state⁹ ;
- Olson¹⁰ suggests that the list of failed states could be expanded if one were to include states facing serious "internal problems that threaten their continued coherence or significant internal challenges to their political order".
- Peters¹¹ while not actually defining a failed state as such, notes that globalisation demands conformity to the practices of the global leaders. In addition to the traditional indicators of failure he notes that new predictive tools have emerged which are based in culture. These indicators are the restrictions on the free flow of information, the subjugation of women, the inability to accept responsibility for individual or collective failure, the extended family or clan as the basic unit of social organisation, the domination by a restrictive religion, the low valuation of education, and the low prestige assigned to work.

However, Dorff¹² noted that state failure need not be reserved for cases of complete state collapse, either into civil war or anarchy but can also be understood as a process involving the weakening of a state's capacity to provide legitimate governance. Similarly, Rotberg¹³ notes that states succeed or fail according to the effective delivery of crucial political goods and that strong states may be distinguished from weak states, and weak states from failed or collapsed states. Taking this further it may be beneficial to consider state failure as a continuum, which ranges from weak states through failed states to collapsed states. In this case a failed state is one that meets a specific set of conditions and excludes states that only meet some of the criteria which can then be classed as weak or failing states depending on the extent of their decline. A collapsed state is an extreme version of a failed state where there is a total vacuum of authority.

Only a few of the world's states can be described as failed or collapsed, but there are many dozens more that are weak and possible candidates for total failure. They generally share some of the following negative characteristics: a rise in criminal and political violence; a loss of control over their borders; ethnic, religious, linguistic or cultural tensions or hostilities; poor communications and transport infrastructure; a weak economy and declining levels of GDP per capita; high levels of corruption; a weak health system with high levels of infant mortality and low levels of life expectancy; limited education opportunities; and a degraded environment.

The concept of state responsibility in this context refers to the responsibility of sovereign states to deliver a range of political goods and services to its citizens. Rotberg has identified a bundle of the most crucial political goods, roughly rank ordered, that establishes a set of criteria according to which states may be judged strong, weak, or failed.¹⁴ The state's most important function is the provision of security. This means creating a safe and secure environment and developing legitimate and effective security institutions. In particular, the state is required to prevent cross border invasions and loss of territory; to eliminate domestic threats or attacks on the national order; to prevent crime; and to enable its citizens to resolve their disputes with the state and their fellow citizens. Another major political good is to address the need to create legitimate effective political and administrative institutions and participatory processes and ensuring the active and open participation of civil society in the formulation of the state's government and policies. Other political goods supplied by states include medical and health care, schools and educational instruction, roads, railways, harbours and other physical infrastructure, a money and banking system, a beneficial fiscal and institutional context in which citizens can pursue personal entrepreneurial goals, and methods of regulating the sharing of the environmental commons.¹⁵

What is required is a model based on quantitatively based indicators that enables states to be classified strong, weak, or failed and ranked on a continuum of failure. Although indicators of state failure are often underdeveloped and unreliable in weak or failed states, it is possible to develop a model utilising indicators grouped under the following classifications: *Governance, Corruption, Economic, and Social Wellbeing*. It could be contended that these concepts of responsibilities are essentially western in origin and a few states may argue that they are not applicable to their situation.¹⁶

However, these responsibilities should be seen within the broader context of the global human rights norms. The Charter of the United Nations is the embodiment of the international political and moral code and Article IX calls for the promotion of higher standards of living, conditions of economic and social progress and development, and respect for human rights and fundamental freedoms which encapsulates the international consensus and articulates best-practice international behaviour. The Universal Declaration of Human Rights was the first international pronouncement of the human rights norm and places freedom, justice and peace in the world in the inherent dignity and equal and inalienable rights of all humans. The subsequent International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights further enhanced the ideal of free human beings enjoying civil and political freedom. The June 2000 Ministerial Conference on "A Community of Democracies" and a non-governmental conference on "World Forum on Democracy" reaffirmed the developing and developed countries' commitment to common democratic values and standards. It is these Charters, Covenants and other International Treaties that establishes the foundation for a state's responsibilities to its citizens.

The World Bank has defined *Governance* as the exercise of authority through formal and informal traditions and institutions for the common good, thus encompassing:

- the process of selecting, monitoring, and replacing governments;
- the capacity to formulate and implement sound policies and deliver public services; and
- the respect of the citizens and the state for the institutions that govern economic and social interactions among them.¹⁷

For measurement and analysis, the World Bank¹ has further unbundled the above dimensions into five additional components:¹⁸

¹ Details of the data together with information on methodological issues relating to the construction and use of the governance indicators are available online from the World Bank at www.worldbank.org/wbi/governance.

- voice and external accountability (i.e., the government's preparedness to be externally accountable through citizen feedback and democratic institutions, and a competitive press);
- political stability and the lack of violence, crime and terrorism;
- government effectiveness (including quality of policy making, bureaucracy, and public service delivery);
- lack of regulatory burden; and
- rule of law (the protection of property rights, judiciary independence and so on).¹⁹

Corruption is commonly defined as the abuse of public office for private gain.²⁰ Although the World Bank has included corruption in its components for measurement and analysis of governance, it is considered so important in analysing failed and weak states that it is included as a separate dimension for the purposes of this model. Transparency International publishes an annual Corruption Perception Index (CPI) which is a composite index that incorporates data from seventeen different sources in 2003: the World Economic Forum, the World Business Environment Survey of the World Bank, the Institute of Management Development (in Lausanne), PricewaterhouseCoopers, the Political and Economic Risk Consultancy (in Hong Kong), the Economic Intelligence Unit, Columbia University, Gallop international on behalf of Transparency International and Freedom House's *Nations in Transit*, Information International from Beirut (Lebanon), the World Markets Research Centre (London), a multinational development bank, and the Business Environment and Enterprise Performance Survey of the EBRD and the World Bank.²¹

The *Economic* indicators are selected to quantify openness of a state's economy, the ability of citizens to engage freely in income producing activities and the provision of a modern infrastructure which enable the state to compete on the globalised economy. The indicators are:

- Fixed and Mobile Telephones (per1000) (source: World Development Indicators, The World Bank);
- Country Credit Ratings (source: Institutional Investors Online);
- Trade Openness (imports/exports as a % of GDP) (source: World Development Indicators, The World Bank);
- Inflation, GDP deflator (annual %) (source: World Development Indicators, The World Bank);

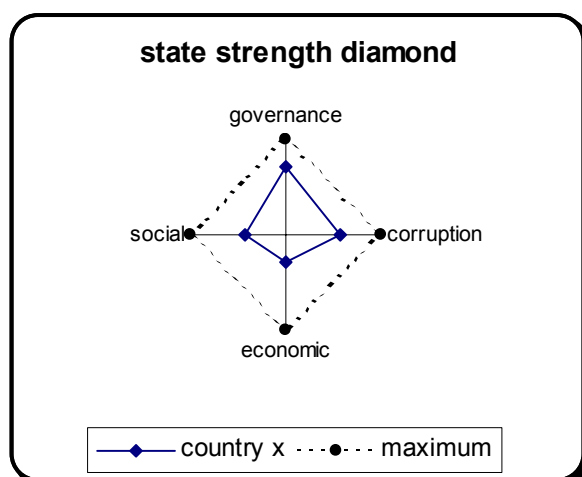
- Gross National Income per capita, PPP (current international \$) (source: World Development Indicators, The World Bank);
- Environmental Sustainability Index (source: World Economic Forum).

The provision of health and medical care, and education are key indicators of the *Social Wellbeing* of the citizens of a state. The following indicators enable these indicators to be evaluated:

- Healthy Life Expectancy at Birth (source: World Health Organisation);
- Total Expenditure on Health as a % of GDP (source: World Health Organisation, The World Bank);
- Immunization, measles (% of children under 12 months) (source: World Health Organisation, The World Bank);
- Total Expenditure on Education as a % of GDP (source: World Development Indicators, The World Bank);
- Rate of Adult Illiteracy age 15+ (source: World Development Indicators, The World Bank);

The dimensions and indicators included in this model of state strengths have been chosen because of the relative quality and objectivity of their data, country coverage, and public availability. To permit the indicators to be utilized to identify and rank

Table 1. Sample State Strength Diamond



countries, the data in each dimension is standardised through a process that assigns a numerical value to each indicator so that it can be employed in two ways. First, the data can be aggregated so that each country has a single rating that can be used in a *Failed State Index* in which all countries are ranked on a continuum of state strength. In a manner similar to the freedom rating produced by Freedom House the index can be used to divide the continuum into three classifications based on a numerical scale from 1 to 7; Failed (under 2), Weak (2-4) and Strong (over 4).

Additionally, each country can be modelled separately on the four dimensions of state responsibility (see Table 1) and the data scaled or compared to other countries or groupings of countries. By utilising the indicators in this way it would be possible to avoid the exceptional performance in some areas outweighing the mediocre

accomplishments in others, and states can be assessed on their performance in all four dimensions of state responsibility.

This data enables states to be located on a continuum of state strength in three main categories based on state responsibilities. Strong states control their territories and deliver a full range and a high quality of political goods to their citizens. Weak states include a broad range of states that are inherently weak because of geographical, physical or fundamental economic constraints or basically strong, but for the moment weak because of internal antagonisms, bad management, despotism or external conflicts.²² Failed states meet none of their state responsibilities are also generally tense, deeply conflicted and dangerous areas and are often in a state of civil unrest.

State Responsibility and Its Implications for State Sovereignty

If it is accepted that the concept of state responsibility can be the basis for assessing the success or failure of states, then it is necessary to recognise that the current conceptions of sovereignty need to be re-evaluated. What is required is a theoretically coherent conception of sovereignty based on state responsibility, which is both consistent with history and open to empirical analysis by measurable indicators. The Peace of Westphalia, which ended the Thirty Years War in 1648, is understood as a critical moment in the development of the modern international system composed of sovereign states each with exclusive authority within its own geographic borders. The Westphalian sovereign state model, based on the principles of autonomy, territory, mutual recognition and control is the basic concept for the major theoretical approaches to international relations, where it is either an analytical assumption or a constitutive norm, and provides a benchmark for analysing variations to sovereignty.²³

Sovereignty is deeply embedded in world affairs as it provides an arrangement that is conducive to upholding certain values that are considered to be of fundamental importance. These include international order among states, membership and participation in the society of states, co-existence of political systems, legal equality of states, political freedom of states, and pluralism or respect for the diversity of ways of life of different groups of people around the world. Sovereignty acknowledges the value of international legal equality; i.e., the equal status between independent states.²⁴ The alternative is some qualification of sovereignty in which states would be judged by the quality of their domestic political institutions. If that were the case, at the present time, not all states would be recognised. Some states would need to be subject to international supervision until they met the requirements of the international

community.²⁵ However, it has been suggested that in different historical eras there is a standard or norm of sovereignty which is a result of a hegemonic form of state-society relations.²⁶ Whether the form around which the consensus is formed is hegemonic because it reflects the hegemon's own institutional structures, or because dominant states agree on a form that works best or most clearly serves their interests, it is clear that these norms change; for example traditional things such as respecting state's borders have been joined by democracy, free markets, and human rights.²⁷

Commonly, to attain sovereignty a state must demonstrate internal supremacy and external independence. That is a sovereign state must be able to show political supremacy in its own territory over all other political authorities and demonstrate actual independence of outside authority, not the supremacy of one state over others but the independence of one state from its peers.²⁸ Sovereignty, therefore, is the assumption that a government of a state is both supreme and independent.²⁹ Internal sovereignty is a fundamental authority relationship within states between rulers and ruled which is usually defined by a state's constitution, and external authority is a fundamental authority relationship between states which is defined by international law.³⁰ Ultimately it is the international community that determines what are the requirements of sovereignty and which political entities qualify as sovereign states.

Defining sovereignty is difficult and determining just what sovereign state status confers in theory in modern international relations is the subject of intensive debate. The question is what privileges does sovereignty status confer? More specifically:

Is sovereignty principally a legal idea or a political one? Do states by virtue of their sovereign status really possess a set of identical rights and obligations? Or, alternatively, does sovereignty in practice confer somewhat different rights and impose somewhat different duties upon satellites and superpowers, or upon tiny, newly independent states and large, populous powers?³¹

These questions challenge the utility of the Westphalian model and if the classic model of sovereignty is contradictory with the privileges of actual states, then that model should be rethought. Either sovereignty is viewed as something absolute that may be won or lost or as something variable that may be augmented or diminished; that is, sovereignty can be conceived as a chunk or a basket.³²

The "chunk theory" of applying sovereignty to international politics is identified with the traditional Westphalian outlook and implies two characteristics of state sovereignty, that is, state sovereignty may be viewed in terms that are both monolithic and

deductive. First, it is monolithic. A sovereign state enjoys all the privileges of sovereignty simultaneously; it has people, government, and territory, is internally supreme, and so on.³³ Second, state sovereignty is indivisible: that is, sovereignty is possessed in full or not at all.³⁴ If conceived in these terms sovereignty is absolute. Sovereignty must be present or absent; no state can be, say, 55 percent sovereign. Regardless of their population size, wealth, or military power, sovereign states benefit from the same legal privileges.³⁵ Sovereignty is essentially a matter of reciprocity. Each sovereign state, no matter how large or small, has the same rights and duties as all other sovereign states in the same era.³⁶

Alternatively, the “basket theory of sovereignty” allows a rethink on the question of sovereignty by scholars who view sovereignty not in the absolute terms of a monolithic chunk, but rather in variable terms, as a basket of attributes and corresponding rights and duties.³⁷ In this model sovereignty exists in degrees, some states possessing a certain basket of some attributes, others possess another basket of attributes. While a few powerful states will enjoy absolute sovereignty, most, by contrast, will find their sovereignty variable, evolving or truncated.³⁸ When this concept of sovereignty is applied to international relations theory it enables each state’s basket of attributes to be examined empirically to determine the extent of that state’s rights and obligations. To basket thinkers sovereignty is not something that must be possessed in full or not at all; it is accepted that some states can be more sovereign than others.³⁹

In developing a concept of sovereignty as responsibility it is necessary to acknowledge that either of the above theories could accommodate this concept. Within the chunk theory of sovereignty once a certain level of responsibilities or capabilities is crossed, sovereignty is achieved. Conversely, at an identifiable point, the failure for a state to meet a certain level of responsibilities would mean the complete loss of sovereignty. However, as the model of state responsibility developed above was based on variable factors where states could be classified on a continuum from strong to failed, then any concept of sovereignty as responsibility should also allow for the same degree of variability, so that sovereignty is not considered absolute but reflects the fact that some states can be more or less sovereign than others.

In practice, the term sovereignty has been used in many different ways. Krasner⁴⁰ has identified four different meanings of sovereignty in contemporary usage; interdependence sovereignty, domestic sovereignty, Westphalian sovereignty and international legal sovereignty. These are defined as:

- Interdependence Sovereignty is the ability of states to control movement across their borders;

- Domestic sovereignty refers to the authority structures within states and the ability of these structures to effectively regulate behaviour. The acceptance or recognition of a given authority structure is one aspect of domestic sovereignty; the other is the level of control that officials can actually exercise. Well ordered domestic polities have both legitimate and effective authority structures. Failed states have neither;
- Westphalian sovereignty refers to the exclusion of external sources of authority both *de jure* and *de facto*; and
- International legal authority refers to mutual recognition. The basic rule of international legal sovereignty is that recognition is accorded to juridically independent territorial entities. States in the international system are free and equal.

Fowler and Bunck⁴¹ have similar criteria which incorporates three of Krasner's four definitions. They are;

- A sovereign state must possess *de facto* internal supremacy; that is, there is a final and absolute authority within the political community;
- Sovereignty implies *de facto* external independence; that is, no outsider exercises control within its territory; and
- A sovereign state's constitutional independence is recognised by other states; that is, *de jure* independence is essential.

The rules, institutions, and practices that are associated with these definitions of sovereignty are neither logically nor empirically linked in some organic whole. Sovereignty is a basket of goods that do not necessarily go together.⁴²

Taking into account the foregoing it is now possible to put forward a definition of sovereignty based on the concept of state responsibility as defined above. It recognises the duality of sovereignty where there is an internal dimension based on the state and its relationship with its citizens, and an external dimension that administers the relationships amongst states. The two criteria are:

- Internal sovereignty refers to the concept of state responsibility; that is sovereignty is dependent on the ability of states to provide political goods to its citizens. Internal sovereignty is not absolute but exists in degrees. Well ordered domestic polities have high levels of state responsibility and total sovereignty. Failed states do not and will find their sovereignty curtailed.
- External sovereignty consists of two elements:

1. *de jure* recognition by the international community of a state's independence; that is, a state in the international system is free and equal; and
2. *de facto* external independence; that is, no outsider exercises control within a state's territory.

United Nations Secretary General Kofi Annan⁴³ highlighted the changing nature of sovereignty when he said that "sovereignty implies responsibility not just power". This concept is very different from the classical international approach which emphasised the authority of the state to intervene coercively in activities in its territory without interference from external actors. The major difference in this concept of sovereignty is the emphasis on sovereignty as responsibility, not authority.

Sovereignty as Responsibility: The Implications for Failing or Failed States

State failure should be considered as a relative concept that can be measured according to the reduction in its internal sovereignty based on the ability of a state to provide political goods to its citizens. In this respect state failure is an 'inside' phenomenon that is not formally subject to outside control.⁴⁴ That is not to say that outsiders cannot influence events, but in the absence of a social-political unit there would be no candidate for state failure. The major contradiction that arises when state failure is perceived as a loss of internal sovereignty is the continued existence of a formal external juridical sovereignty. The classical examination of this phenomenon is Robert Jackson's analysis of quasi-states.⁴⁵

Jackson created the term quasi-state to describe ex-colonial states that had been internationally franchised and possessed the same external rights and responsibilities as all other sovereign states, that is, juridical statehood derived from a right of self determination or negative sovereignty. Negative sovereignty is defined as the freedom from outside interference: a formal-legal condition. However, at the same time many lacked the institutional features of sovereign states as defined by classical international law, that is, they had limited empirical statehood or positive sovereignty.⁴⁶ Positive sovereignty is where established states exercise effective dominion over their peoples and territories.⁴⁷ As used by Jackson negative sovereignty related to quasi-states primarily involved in decolonization: it was the distinctive liberty acquired by former colonies.⁴⁸ However, it is principally those ex-colonial states that are now the candidates for failure so Jackson's term quasi-states and the concepts of positive and negative sovereignty remain valid.

Nevertheless, a major contradiction exists in the concept of negative sovereignty: how long can states retain their independence in the international system while they remain dependent on the international system? In weak, failing and failed states internal sovereignty can be reduced or extinguished when states fail to meet their responsibilities to their citizens while notionally the state's *de jure* external sovereignty is unaffected. However, *de facto* a state's juridical external sovereignty may be undermined by the actions of external actors; either other states, non-governmental organisations (NGOs) or international institutions.

For example, as a reaction to the debt crisis in much of the third world in the 1980s the International Monetary Fund (IMF) and the World Bank took on significant economic responsibility in states through the imposition of Structural Adjustment Programs (SAPs). Additional inroads into the sovereignty of these states has been the increasing influence of NGOs which have taken on a range of issues (human rights, famine, disease, environmental protection) in ways which involve limitations on the power of states.⁴⁹ Following the collapse of the Soviet Union in 1989 the World Bank began to accentuate the need for more emphasis on social welfare in combination with liberalising reforms. In the 1990s the focus shifted to reform of the state itself; efficient and democratic states were considered indispensable for economic development. That led to demands for democratisation and good governance.⁵⁰

Generally the interventions outlined above are of the negotiated variety, that is, they require the consent (even if it is coerced) of the governments exposed to the measures but humanitarian intervention can take place without such consent. Humanitarian intervention can be considered the imperative of action against human rights abuses against the bastion of state sovereignty. There is a developing consensus, at least amongst developed states, on the legitimacy of humanitarian intervention in extreme circumstances, even in the absence of Security Council authorisation. The events of September 11, 2001 have had a further direct impact on weak, failing or failed states that are considered a potential risk. For instance, under the guise of the Patriot Act the United States is prepared to pre-emptively intervene in states that it deems a threat. Additionally hegemonic states or groups of states, either unilaterally or under the authority of the United Nations, are prepared to intervene in rogue states that are perceived as a threat to the international community.

If the *de jure* sovereignty of a state is to be limited when there is a reduction in internal sovereignty and the *de facto* sovereignty of a state is contentious, the ability of the international community to respond may be enhanced by the adoption of the notion of the "decertification of states".⁵¹ The United States already decertifies countries,

effectively reducing their eligibility for aid for countries that are not attempting to stop the production and trans-shipment of narcotics. Similarly the international community, through various financial institutions effectively decertifies states involved in money laundering.

Decertification would provide an alternative to sovereignty for states that have failed and could accordingly provide a “halfway house” for states while the international community assists in reconstituting their sovereignty.⁵² Any limitations of sovereignty would require action by international institutions in particular, the United Nations, but it is highly unlikely that this concept would be accepted by the international community. As a result it is likely that the current contradictory state of affairs will continue. Weak failing or failed states will have abridged internal sovereignty but maintain their external *de jure* sovereignty even when their external *de facto* sovereignty has been compromised.

Conclusion

The terrorist attack on the World Trade Centre on September 11, has dramatically altered the international community's attitude towards failing or failed states. After the end of the cold war these weak or failing states were largely the subject of benign neglect unless there was a humanitarian disaster or act of genocide. Many suffered declining growth rates, poor governance and high levels of corruption. Many became centres of terrorist or international crime activities. As such, they became a threat to the national interests of individual states or the stability of entire regions.

This paper provides a model, based on quantitatively based indicators, where states can be defined and measured on the basis of the concept of state responsibility, that is, the extent to which states fulfil their requirement to provide political goods and services to their citizens. By utilising indicators grouped under the following classifications: *Governance; Corruption; Economic; and Social Wellbeing* it is possible to locate states on a continuum of state strength, based on state responsibility, from strong through weak to failed. By adopting the concept of state responsibility as the basis for defining the success or failure of states, it is necessary to recognise that this has implications for the current conceptions of sovereignty based on the classical conceptions of authority. This paper developed a concept of sovereignty based on responsibility: that is, where internal sovereignty refers to the concept of state responsibility and the relationship of the state to its people, and external sovereignty which manages the relationship between the state and the international community.

In the case of failed states a major contradiction arises when state failure is perceived as a loss of internal sovereignty but the state's external sovereignty notionally remains unaffected. However, in practice, a state's *de facto* sovereignty may be so compromised by outside actors that the issue of *de jure* sovereignty becomes problematic. This raises the issue of the international community's responsibilities to failed states. While outside the scope of this paper it focuses on the debate relating to intervention, particularly humanitarian intervention. Intervention may necessitate coercive measures that include political, economic, or judicial steps or in extreme cases, military action. Any action can be debated in both ethical and legal terms. The Responsibility to Protect⁵³ moves the argument from the "right to intervention" to one about the international community's "responsibility to protect." Unquestionably all these concepts are interlinked with sovereignty as responsibility and require further study of the relationships between them.

Notes

¹ Robert H. Dorff, "State Failure and Responding to It" (paper presented at the Annual Convention of the International Studies Association, New Orleans, 2002).

² Samantha Power, *"a Problem from Hell" America and the Age of Genocide* (London: Flamingo, 2003).

³ Francis Deng, *Protecting the Dispossessed* (Washington, DC: Brookings Institutions, 1993).

⁴ Richard Herr, "The Concept of the 'Failed State': A Brobdingnagian View from Lilliput." (paper presented at the Fourth Wellington Conference on World Affairs, Wellington, 5 December 2003).

⁵ Robert H. Jackson, *Quasi States: Sovereignty, International Relations, and the Third World* (Cambridge: Press Syndicate of the University of Cambridge, 1990).

⁶ Stephen D. Krasner, "Compromising Westphalia," *International Security* 20, no. 3 (1995).

⁷ Robert I Rothberg, "The New Nature of Nation-State Failure." *The Washington Quarterly* Vol 25 No 3, 2002: 85-96.

⁸ Robert H. Jackson. "Surrogate Sovereignty? Great Power Responsibility and Failed States" *Institute of International Relations*, The University of British Columbia, 1998

⁹ Hans-Joachim Spanger. "Failed State or Failed Concept? Objections and Suggestions" *Peace Research Institute*, Frankfurt, 2000

¹⁰ William J. Olson, "The New World Disorder: Governability and Development." in Max G. Manwaring, ed. *Gray Area Phenomena: Confronting New World Disorder*, Boulder: Westview Press 1993.

¹¹ Peters, Ralph. "Seven Signs of Non-Competitive States." *Parameters*, US Army War College Quarterly (Spring 1998): 36-47.

¹² Robert H. Dorff, "State Failure and Responding to It," *Annual Convention of the International Studies Association*, New Orleans: 2002

¹³ Robert I Rotberg, "Failed States, Collapsed States, Weak States: Causes and Indicators," in *State Failure and State Weakness in a Time of Terror*, ed. Robert I. Rotberg (Washington D.C.: Brookings Institution, 2003).

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Ramesh Thakur, "Global Norms and International Humanitarian Law: An Asian Perspective," *International Review of the Red Cross*, no. 841 (2001).

¹⁷ Daniel Kaufmann, *Rethinking Governance: Empirical Lessons Challenge Orthodoxy* (World Bank, 2003 [cited 23 June]; available from <http://www.worldbank.org/wbi/governance/pubs/rethinkgov.html>).

¹⁸ Details of the data together with information on methodological issues relating to the construction and use of the governance indicators are available online from the World Bank at www.worldbank.org/wbi/governance.

¹⁹ Ibid.([cited]).

²⁰ Ibid.([cited]).

²¹ Johann Graf Lambsdorff, *Global Corruption Report* (Transparency International, 2003 [cited 11 May 2004]); available from www.transparency.org.

²² Rotberg, "Failed States, Collapsed States, Weak States: Causes and Indicators."

²³ Stephen D. Krasner, "Rethinking the Sovereign State Model," *Review of International Studies* 27 (2001).

²⁴ Robert H. Jackson, "Sovereignty in World Politics: A Glance at the Conceptual and Historical Landscape," *Political Studies* 47, no. 3 (1999).

²⁵ Ibid.

²⁶ J. Ruggie, "Continuity and Transformation in the World Polity: Towards a Neorealist Synthesis.," *World Politics* 35 (1983).

²⁷ Janice E. Thomson, "State Sovereignty in International Relations: Bridging the Gap between Theory and Empirical Research," *International Studies Quarterly* 39 (1995).

²⁸ Michael Ross Fowler and Julie Marie Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty* (University Park: Pennsylvania State University Press, 1995).

²⁹ Jackson, "Sovereignty in World Politics: A Glance at the Conceptual and Historical Landscape."

³⁰ Ibid.

³¹ Fowler and Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty*.

³² Ibid.

³³ Daniel Philpott, "Usurping the Sovereignty of Sovereignty," *World Politics* 53, no. 2 (2001).

³⁴ Fowler and Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty*.

³⁵ Philpott, "Usurping the Sovereignty of Sovereignty."

³⁶ Fowler and Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty*.

³⁷ Ibid.

³⁸ Philpott, "Usurping the Sovereignty of Sovereignty."

³⁹ Fowler and Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty*.

⁴⁰ Stephen D. Krasner, *Sovereignty: Organised Hypocrisy* (Electronic Book) (Princeton University Press, 1999 [cited 25 April 2003]); available from <http://www.amazon.com>. and Krasner, "Rethinking the Sovereign State Model."

⁴¹ Fowler and Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty*.

⁴² Krasner, "Rethinking the Sovereign State Model."

⁴³ In the 35th Ditchley Foundation Lecture, 26 June, 1998.

⁴⁴ Georg Sorensen, *Sovereignty, Security, and State Failure* (University of Aarhus, Denmark, 2001 [cited 3 March 2003]); available from http://www.ippu.edu/failed_states/2001/paperSorensen.pdf.

⁴⁵ Jackson, *Quasi States: Sovereignty, International Relations, and the Third World*.

⁴⁶ Ibid. and Robert H. Jackson, "Quasi-States, Dual Regimes, and Neoclassical Theory: International Jurisprudence and the Third World," *International Organization* 41, no. 4 (1987).

⁴⁷ Christofer Clapham, "Degrees of Statehood," *Review of International Studies* 24 (1998).

⁴⁸ Jackson, *Quasi States: Sovereignty, International Relations, and the Third World*.

⁴⁹ Clapham, "Degrees of Statehood."

⁵⁰ Sorensen, *Sovereignty, Security, and State Failure* ([cited]).

⁵¹ Jeffrey Herbst, "Responding to State Failure," *International Security* 21, no. 3 (1996).

⁵² Ibid.

⁵³ International Commission on Intervention and State Sovereignty International, "The Responsibility to Protect," (Ottawa: International Development Research Centre, 2001).