

THE SKEWED RESPONSIBILITY NARRATIVE OF THE “FAILED STATES” CONCEPT

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The “failed state” concept, which came to prominence in academic and policy discourse in the early 1990’s with the publication of David Helman and Steven Ratner’s 1991 article *Saving Failed States*,¹ continues to enjoy widespread currency as a way of denoting situations where the governmental infrastructure in a state has broken down to a considerable degree.² It can be criticized on a number of levels, from its essentialist use of language to the particularist basis for defining “failure,” and the manner in which it sets up a dichotomous opposition within international relations between “successful” and “failed” states.³ In this brief article, I discuss one such criticism: the way that the term “failure” suggests exclusive responsibility on the part of the state and its people for the breakdown in governance. I consider the problematic aspects of this suggestion with reference to one of the key policy prescriptions that are associated with the failed states paradigm: granting administrative responsibilities over the territory concerned to international organizations, which in the context of governmental collapse can be used to fill the

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1. See Gerald B. Helman & Steven R. Ratner, *Saving Failed States* 89 *Foreign Pol’y* 3 (1992).

2. E.g. Margaret P. Karns & Karen A. Mingst, *Peacekeeping and the Changing Role of the United Nations: Four dilemmas*, in UNITED NATIONS PEACEKEEPING OPERATIONS: AD HOC MISSIONS, PERMANENT ENGAGEMENT 215 (Ramesh Thakur & Albrecht Schnabel eds., 2001).

3. For some of these criticisms, see Henry J. Richardson, “Failed States,” *Self-Determination, and Preventative Diplomacy: Colonialist Nostalgia and Democratic Expectations*, 10 *TEMP. INT’L & COMP. L. J.* 1 (1996) and Ruth Gordon, *Saving Failed States: Sometimes A Neocolonialist Notion*, 12 *AM. U.J. INT’L L. & POL’Y* 903 (1997).

governmental vacuum and/or to construct, or reconstruct, essential state institutions.⁴ This policy institution, currently underway in Kosovo and conducted in East Timor from the end of 1999 to May 2002, was proposed by Helman and Ratner as a mechanism (termed “United Nations Conservatorship”) for “saving” failed states. It is invariably considered when the different policy options available as responses to particular situations of governmental collapse are being reviewed, as in Afghanistan after the fall of the Taliban at the end of 2001. Although in practice plenary international territorial administration is often ultimately rejected in this context (Cf., Afghanistan). Moreover, it is sometimes used to pursue entirely different objectives (e.g. enabling the transfer of territory from one actor to another, as in West Irian in 1963-64 and Eastern Slavonia in 1996-98).⁵

The “failed state” label arguably suggests that when governmental infrastructure collapses, the state, its people, and its leaders are solely responsible; it is the “state” that has “failed.” Henry Richardson highlights this feature of the “failed state” concept, and criticizes it as simplistic.⁶ Of course state collapse is often due, to a considerable degree, to indigenous factors, whether civil conflict or corrupt leadership. At the same time, clearly the involvement of foreign states, international financial institutions such as the IMF and the World Bank, multinational corporations, and the like often plays a major role in mediating the state of local conditions, thereby affecting the viability of the economy and governmental infrastructure. For example, should exclusive responsibility for the governmental breakdown in the Congo in the 1960’s lie at the door of the Congolese people and their leaders?⁷ To make this assertion, one should somehow discount the role of Belgium, for example, who “failed” to prepare local people for government before independence, and then intervened militarily in the country afterwards to support certain factions during the civil war.⁸ East Timor became a state in May 2002. If, in two years time, the government there collapses, would it really be appropriate to conceive responsibility for that solely in terms of the local population? Clearly, one cannot look only at the behavior of local actors in seeking to appraise a particular national economy and political system. Regrettably, this is exactly what the “failed state” concept does.

The skewed notion of responsibility arguably suggested by the failed state idea is not only misconceived; it also leads to policy prescriptions that, by

4. On this use of international territorial administration, see Ralph Wilde *From Danzig to East Timor and Beyond: the Role of International Territorial Administration*, 95 AM. J. INT’L L. 583,592-93 (2001).

5. *Id.* at 588-89.

6. Richardson, *supra* note 3.

7. On this period in the Congo’s history, see Wilde, *supra* note 4, at 592 and sources cited therein.

8. *Id.* at 592.

themselves, may ignore the structural causes of the problems they seek to address. The use of international territorial administration to respond to situations of infrastructural collapse is a case in point. Necessarily, international territorial administration is concerned exclusively with the local causes of this situation, seeking, for example, to improve local capacities for governance. Clearly, it has no remit with respect to, for example, the foreign states, international financial institutions and multinational corporations that will play as important a role in shaping the future of the territory's economy as local people and their leaders. I am not suggesting that international territorial administration should somehow be able to perform that second role. My point is that as a policy device, it is necessarily limited to addressing the local causes of whatever problem it is concerned with.

Considering the remarkably intrusive nature of this policy device, there is no comparable device that intervenes within other states and international institutions, to try to prevent, as international territorial administration does on the national level, these states and institutions from making decisions that contribute to the factors that hamper a recovery from governmental collapse, or precipitate such a collapse in the first place. So when Helman and Ratner discuss the "saving" of failed states, their prescription – foreign administration – is necessarily limited to the indigenous governmental structure.⁹ They do not concern themselves with proposing other, similarly intrusive mechanisms with respect to, say, rich countries and multinational corporations. Necessarily, the proscription is reactive, in that it is concerned with responding to state collapse when it has happened, thereby focusing exclusively on indigenous factors, rather than seeking to prevent it in the first place, which would require a focus on both indigenous and exogenous factors.

The result is a somewhat naïve and simplistic proposal that fits well with the narrow notion of responsibility of the "failed state" paradigm. So when Margaret Karns and Karen Mingst state that the key question for the international community is what are the responsibilities of states, the United Nations (or regional IGOs), and other actors when states fail, the responsibilities in question concern remedial measures of intervention "post-failure" in the territory concerned, not prophylactic measures concerning the behavior of these actors that might lead to state collapse in the first place.¹⁰ Moreover, the "responsibilities" are conceived in terms suggestive of the charity of innocent bystanders, not the liability of those who are partially complicit. The sub-title to Karns and Mingst's question about the international community's

9. See Helman & Ratner, *supra* note 1.

10. Karns & Mingst, *supra* note 2, at 218.

responsibilities when states fail is: [h]ow should choices be made as to where to direct scarce resources?¹¹

The asymmetrical conception of responsibility of the failed state concept, then, is reflected in and supported by the regime of international policy institutions. One might venture that this asymmetry is, of course, no accident. One might ask who uses the language of “failed states” and what their interests are in doing so. The “failed states” concept originated in Western scholarship, and has been utilized in Western policy discourse. Examining this language may be helpful, therefore, in understanding Western ideas of a “failed” other and a “successful” self. Just as Edward Said studied “Orientalism” *inter alia* as a way of understanding how Western culture conceives itself through an alienated, oriental “other,” the failed state concept may be illuminating insofar as our understandings of those who use it are concerned.¹² As a basis for policy, however, it may be limited, precisely because it reflects the interests of those who use it, and these interests may conflict with the interests of those in relation to whom it is used. Indeed, exclusively locally-based connotations of responsibility exculpate Western states and multinationals, and the international financial institutions they control, in terms of whatever actions these actors may have conducted that contributed to the so-called “failure” by the state concerned. Similarly, these actors do not face the prospect of intrusive policy institutions, like international territorial administration, that seek to prevent whatever policies they may prosecute that lead to state collapse.

We have, therefore, a suggestion of responsibility, and an institution for addressing this responsibility, that only takes in part of the picture. Can this not be supported, however, as the best that can be hoped for in an unequal world? Was Helman and Ratner’s limited focus an attempt to address legitimate concerns about state collapse, while staying within the bounds of what was realistic in terms of the proscription put forward? In the first place, on pragmatic grounds it may have little effect. The work done on the ground with local people may be undermined by the absence of comparative processes operating in those other arenas that are equally determinative of the policies concerned. Even if this were not the case, however, there is a further problem.

The failed states concept is not only about emphasizing a certain area of responsibility. It can also be seen as repudiating the notion that responsibility can reside elsewhere as well. The notion of the failed state, then, and its associated policy institutions like international territorial administration, may reflect and constitute not good first steps, but rather the impediments that exist to broader notions of responsibility and mechanisms for implementing that

11. *Id.* at 220.

12. EDWARD SAID, *ORIENTALISM: WESTERN CONCEPTIONS OF THE ORIENT* (1995) (reissue with new afterword).

responsibility. The failed state concept not only reflects our unequal world, but buttresses that inequality. When international territorial administration is used in circumstances of state collapse, it may be serving merely to distract attention away from the structural, exogenous factors that both contributed to the collapse and will mediate the future economic development of the territory.