

**State failure and Armed Group:
An Implication for Peacebuilding**

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SUMMARY

This paper examines characteristics of relationship between state failure and armed group in both perspectives of state sovereignty and contemporary armed conflicts.

This work is also related to pave a way for overcoming dilemmas on peacebuilding activities after uniting peace agreement for terminating armed conflicts. First of all, the author of this article tries to seek a distinction between the success and the failure by dating back to historical way for building state sovereignty. Secondly, this article attempts to grasp complexity on contemporary relationship between state failure and armed group. With surveying arguments both on state failure and armed group, the author of this article seeks a correlation between them with characteristics of the complexity. Finally, this paper attempts to show an implication for peacebuilding on the basis of the analysis in the previous sections. This paper concludes that challenges for peacebuilding inevitably stick to the work for building state toward the success programmed the notion of state sovereignty, however, peacebuilders ought to overcome these difficulties according to the different structure of state failure, which the author of this article designates, at least.

1. Introduction

This paper examines characteristics of relationship between state failure and armed group in both perspectives of state sovereignty and contemporary armed conflicts.¹ This work is also related to pave a way for overcoming dilemmas on peacebuilding activities after uniting peace agreement for terminating armed conflicts. The phenomenon with state failure drive marginalized people to violate the national order in the territory concerned, so that the state is going to collapse more and more. This also means that the organized violence promotes unification or increase of armed groups, through the groups tend to sprit over struggle for power inside by the weak structure themselves, which deteriorate situations of the “failure.” In the situation of the failure, regular army which lost the legitimacy also raises illegitimate armed violence in domestic affairs.

Why do we define the situation as state failure now? First of all, the author of this article tries to seek a distinction between the success and the failure by dating back to historical way for building state sovereignty. Even European states as well endeavored to reinforce their legitimacy of state with a power of nationalism in the history. In that sense, the history itself of state sovereignty is a way for emerging from the situation of state failure with a different posture from the ideal state sovereignty. Most decolonization work in the twentieth century also coupled with challenges of statebuilding in the orientation. The second section following this section (the Introduction) reexamines the historical process of state sovereignty in terms of state failure, briefly.

In the third section, this article attempts to grasp complexity on contemporary relationship between state failure and armed group. With surveying arguments both on state failure and armed group, the author of this article seeks a correlation between them with characteristics of the complexity. In the process, the author of this article roughly classifies arguments on state failure into two perspectives: one seeking how international society ought to respond it, and another seeking what kind of characteristics is attendant on it. Moreover, this section proceeds to explain the

tendency of characteristics of contemporary armed group related to state failure. Especially, this article focuses on “warlord type” armed group which pursuits the power for own profit irrelevant to simply seizing power of state legitimacy.

Finally, in the forth section, this paper attempts to show an implication for peacebuilding on the basis of the analysis of relationship between state failure and armed group.

2. Brief History on State Failure: Process of Reinforcing Sovereign State System

2-1 Distinction of Success and Failure of State Sovereignty

When recognizing an existence of state failure, consciously or unconsciously, we must affirm what is a distinction between the success and the failure. In his book *Quasi-States*, Robert H. Jackson analyzed how Third World, the group of developing countries during the cold War, was underdeveloped and unstable without sufficient governance in terms of the flow of decolonization during post-1945 period.² This book has been used as the textbook on this issue since its publication and gives many scholars the basic agenda on state failure after 1990s. His argument on “negative sovereignty” (with the definition of freedom from outside interference) and “positive sovereignty” (with the definition of capabilities which enable governments to be their own masters) shows not only the intent itself of state sovereignty, but also the criterion for judgment whether a state is failed or not, at least, on a perception according to political dynamics.³

In that sense, problems with state failure intrinsically coincide with challenges for enhancing functions of state sovereignty. As a starting point of the research for state failure, it is no wonder that the book reaffirmed “sovereignty regime”⁴ in the history. That section of the book became preparatory work on his following arguments about state failure along with works of the decolonization and the state creation. After the end of conclusion of the Treaty for Westphalia System in 1648, sovereign state appearing first in Western Europe was granted the right to retain the regular army sustained by the levy system.⁵ Primarily, the system created by Western Europe was

‘widely believed that non-western societies did not meet the criteria’⁶ on state sovereignty. That is, the criteria were recognized the then international law ‘which recognized empirical criteria of sovereign statehood: a delimited territory, a stable population, and most importantly, a reliable government with the will and capacity to carry out international obligations.’⁷ It supposes that achievement of the criteria coupled with nullification of the status of state failure in current argument as well.

2-2 Reinforcing Legitimacy of State with Power of the Nation

In the history, the present European states, which are not called to be in state failure, also had to follow the linear way along with the notion of the Westphalia System for strengthening statehood and filling the capacity.⁸ European states addressed development and enlargement of military system associated with the emerging administrative arrangement. Moreover, these states tried to distinguish police from national army and it was given the special function covering maintenance of domestic order in terms of law enforcement.⁹ The modern states created the administrative system for responding to both external and internal security.

Yet, even in the era of nineteenth century, most of the European states did not attained high level of legitimacy in that still many insurgencies for reorganizing states had occurred there. For instance, the Greek Independent, the Italian Unification and the unification of German Empire were provoked by power of evolving nationalism and paved a way for an establishment of national sovereignty.

As Kalevi J. Holsti concisely put it, the increasing numbers of civil wars in the nineteenth century’s Europe for “state creation” or maintenance of the integrity based on an idea of national liberation were regarded as the then “new war” in contrast with the previous century.¹⁰ Anti-state actors as revolutionary movements of nationalism in the nineteenth century (although those were not always represented for civil society), gradually eroded the then international order under balance of power among the stronger states, which was created by the Congress of Vienna in 1814-1815.

Those movements with nationalism did not reject the validity of state sovereignty but strengthened the system of state sovereignty. Since the end of the

Napoleonic War, the importance of regular army system, which was comprised of the nation, had tended to be neglected by European states but Prussia. States like France, Austria and Russia returned to the Old Regime system which the Vienna Regime (1815) reaffirmed, and preferred the long-service professional troop rather than the national troop descended the essence of the French Revolution and the Napoleonic War.^{1 1}

However, in this process, Otto von Bismarck finally realized a modified organization in the latter half of the nineteenth century. He developed the mobilization system of the regular army in Prussia which led the German Empire. By preparing the reserves by civilian in peacetime, in collaboration with well-trained commanders, Prussia enabled to go to war in response to sudden the policy decision.^{1 2} The Prussian way of war gradually had being adopted by other European states as a new paradigm.^{1 3} At the end of the nineteenth century, only powerful sovereign state, which has military power collaborated between the mobilization system and updated military technology. That kind of background undoubtedly strengthened the process of “nationbuilding” (building awareness and creation of the nation according state) under the reconfirmation of the validity of state sovereignty.

Surely, in the nineteenth century as well, mercenary had been existed and utilized by European states when they resort to force against the contested state, however, it was substituted the national mobilization system by the emerging question of the use among the countries in the light of morality.^{1 4} As the nation was thus utilized as prerequisite members of national army for attaining their high level of security for state, the use of mercenary was going to be regarded immoral option for conducting war.^{1 5}

2-3 Recognition of Belligerency: Criteria for Judgment on State Failure?

In parallel with this political dynamics on nationbuilding, the international law during the nineteenth century launched an initial step for stipulation on armed conflict. The international law of armed conflict basically stipulates validity itself for going to war (*jus ad bellum*), and the procedure or the limitation of carrying out an armed conflict (*jus in bello*).^{1 6} We can find the customary origins from facts even ancient or

medieval histories, however, a number of the treaty laws for armed conflicts among states have increased since the latter half of the nineteenth century and fulfilled the contents gradually. In the twentieth century, the serious of the law additionally generated and included treaties on illegalization of war which were finally embodied as the Charter of the United Nations. Moreover, this trend had linked the realm of the international humanitarian laws, like the Geneva Conventions (1949) and the Additional Protocols (1977).¹⁷

This paper avoids designating the details, however, it is useful for examining a relationship between state failure and armed groups to touch upon “the recognition of belligerency,” one of the related keyword in the field of the international law of armed conflicts.¹⁸ The recognition of belligerency is defined to be ‘amounted to a declaration by the recognizing party that the conflict had treated in the same way as belligerents in an international armed conflict, and could be granted either by the parent government or by some third state.’¹⁹ This recognition by a third state provides validity under the international law in that the third state has an obligation for neutral position between the government as the party and the belligerent group. Needless to say, the international law stipulates the principle of state sovereignty which entails the legitimated force for alleviating “criminal” affairs as the threat against the domestic security. However, if an armed violence against the parent government is intensified and the challenge leads to state failure remarkably, third state which showed recognition of belligerency can prepare an alternative possibility for receiving political regime change as a result of civil war. It is significant for political context of existence of state failure in that this recognition may reflect change of diplomatic behavior of other states toward the government concerned and activate the recognized belligerency.

Indeed, the practices which excised with the doctrine were very rare. The clear execution took shape ‘at least Britain and the United States, in the early nineteenth century through practice arising from conflict in the Spanish-American colonies,²⁰ or as other cases, “the Civil War (1861-1865)” and “the Boshin War (the civil war in Japan during 1868-1869).”²¹ The reason why few cases were recognized by states is related the principle of state sovereignty. The external states tend to hesitate about intervention for civil war by clarifying the position through the judicial recognition in

the light of the principle of state sovereignty. If the third state recognized the existence of belligerency, the domestic government concerning “civil war” was to be regarded as under the condition of state failure. On the other hand, if government as the party recognized it under the judicial procedure, the government was to concede the state failure and the decline of diplomatic power against foreign countries. This ambiguous matter still remains in present days. Through contemporary civil wars tended to be concluded by peace agreement among parties to the conflicts, including armed groups as non-state actor, the judicial position of the armed group during the wars is still blur in the light of “the recognition of belligerency.”

2-4 Decolonization and Dilemma of State building

Decolonization since 1945 liberated the colonized regions and people from the colonized countries. To consider the post-colonial situation is closely related how the colonial rulers engaged and disengaged from the colonies.^{2 2} Since the latter half of the nineteenth century, the European great powers, had competed and battled severely for retaining their expanded realms of colonies in Asia, Africa and Latin America. In Asia, Japan also had joined the race for the expansion of colonies since the Sino-Japanese War (1894-1895).

Apart from the origin of nationalism in the nineteenth century, nationalism in twentieth century which was politicized by imperialistic countries generated their aggressive behavior not only to secure the national liberation itself but also to expel the other nationals. Ironically, the characteristics of total war by total populations, under the mechanization of weapons, brought to a significant number of deaths of world population by the World War I and II.^{2 3} At least, this aspiration of geographical expansion had continued until the end of the World War II. As Robert H. Jackson put it, it is no doubt that this imperialism made root causes of state failure in the then colonial regions.^{2 4}

Right after the end of the World War II, a reorganized international order generated rapid repercussion in the evolution of the Cold War.^{2 5} The rivalry under the Cold War generated regional power struggle like the Korean War (1950-1953), the

Indo-China War (1946-1954), the Independence of India and its separation (1947) and the independence of Israel with Palestine problem (1948) as well as the political confrontation between the west led by the United States and the east led by the Soviet Union. The newly established international balance of power under the bipolar system of the Cold War advanced military alliances according to the each ideological side, that is, both capitalism and communism. Including decolonized states, most states in the world were involved by the system in the complicated political struggles such as “the Prague Spring” of Czechoslovakia (1968) and the Vietnam War (1960-1975), or through revolutionary attitude of political leaders, such as in Cuba, Angola, the Islamic Republic of Iran and so on, with its political reactions in the related regions concerned.

In this change of the international order, in December 1960, the General Assembly of the United Nations (UNGA) adopted “the Declaration on the Granting of Independence to Colonial Countries and Peoples,” and then about fifty states were newly decolonized at least during a decade of 1960s.²⁶ As soon as the new states started for statebuilding, the necessity for international aid was required. That’s why the United Nations Development Programme (UNDP) established in “1966” in response to the offer. The rudiment work for strengthening sovereign state excised in the decolonized states, through the work was undoubtedly in charge of transformation from state failure to state success. The low level of rule of law could not grasp the insurgencies by armed groups with characteristics of guerrilla style, which has no uniform and emblem and excised surprised attack in the jungle. It was beyond imagination of assumption by the then international law, and this insufficiency. The fatal problems between state failure and armed group had already appeared in the rudimentary era of decolonization and its impact remained the legacy of state failure even after the end of the Cold War.²⁷

This section attempted to explain the brief history for strengthening the state sovereignty, with paying attention to the distinction of state success and failure. Historically, the Westphalia system, with dynamic changes on its characteristics, however, the ways and means for statebuilding were done along with the principle of state sovereignty. Especially, the problems of civil wars had been treated in the category of domestic

matter, so that the law enforcement developed for maintaining of domestic order. Yet, the flood of decolonization could not contain the problems of state failure. In this regards, the next section explain the dilemmas of statebuilding in the light of contemporary relationships between state failure and armed group.

3. Grasping Characteristics of State Failure and Armed Group in “New War”

This section explains the characteristics of contemporary state failure coupled with armed group. Armed group inclines to hide near border lines where it is uneasy that parent state maintains the security in the marginalized area away from the center. For international society, the area of state failure, under the out of rule of law, is to be considered as a harbor for armed group.

3-1 Contemporary State Failure

Since 1990s, the challenges of state failure have been noted by many scholars and practitioners. A situation of state failure is called various phrases like “failed states,” “collapsed states,” “weak states” and so on. The important thing what they mentioned is the situation that government cannot excise the sufficient power internally or externally by low level or absence of the legitimacy. These characteristics are totally contradictory to the ideal image of the state sovereignty under the Westphalia System.

Contemporary state failure is perceived in the areas where civil wars with massive violence occur under disorder in most part or a part of the territory of state concerned. In this regards, this article defines state failure as following: a situation in that the low level or absence of the governance never permits not only adequate supply of public service responding to the nation living in the geographical territory but also maintenance of security for alleviation of threat by crime, rebellion or insurgency.^{2 8}

It is intelligible that original arguments on state failure emerged to respond a significant number of civil wars which had broken out since 1990s. William Zartman put it in the Introduction of his book that “in the world after the Cold War, not only has the bipolar, interstate system of world order dissolved, but in many places the state itself

has collapsed.”²⁹ Like Mozambique and Angola, the political regimes which was reflected by the influence of the Soviet Union under communism, were going to civil war by exposing weakness of the political legitimacy by the collapse of the structure of the Cold War.

Most cases on state failure, which many scholars addressed from the academic views, are in Africa like Somalia, Liberia, Sierra Leone, Sudan, Angola, Mozambique, Central Republic of Africa, Rwanda and so on after 1990s.³⁰ These states had experienced intensive civil wars during 1990s and some of them still have remained the struggles. The United Nations Security Council (UNSC) recognized the threat against international peace and security and adopted the resolutions for sending the peacekeeping operations (UNPKOs) to the area of armed conflicts in these areas for alleviating it.

The UN interventions were required new works for building state after end of civil wars as well. The UNSC authorized the additional mandates for new UNPKOs on peacebuilding as well as on traditional peacekeeping from 1990s. Peacebuilding activities were required for reconstructing the low level of governance in terms of security reform, economic reform, democratization, human rights and rule of law under the state failure right after the end of armed conflicts.³¹ The importance of peacebuilding initiated by the UN had been proliferating to other international actors. In the latter part of 1990s, problems of state failure in terms of peacebuilding became one of the most important agenda in international society.

3-2 Two Perspectives of Arguments on State Failure

Responding these situations, scholars have been investigating characteristics of “contemporary state failure.” Roughly speaking, we can divide into two, that is, one perspective seeking *how* international society ought to respond it and another seeking *what* kind of characteristics is attendant on it. Certainly, most of academic works attempted to grasp *what is it* and show *how it should be*, however, the emphasis between the two is according to scholar in that sense.

The first perspective is related on how state failure ought to be treated and

rebuild. Under the background of “the end of the Cold War” or “decolonization,” this perspective mainly argues ways and means of building state on how state failure ought to be restored. This also related to analysis on measures of international intervention against state failure, and on the validity itself. A prominent work by Robert Rotberg, *When State Fails*, discerned the characteristics of state failure into “weak state,” “failed state” and “collapsed state” according to the scale of the “failure.”^{3 2} In addition, this book examined policy tools on how to reconstruct state under state failure referring some cases especially in Africa. In the final Chapter, with explaining the necessity of international protection for state failure, it suggested that it is an inevitable option to cancel “recognition of state” until the state as the party recovers the reliable level of legitimacy if the state under the state failure is unreliable.^{3 3}

This suggestion implies the revival of trusteeships governed by international society as well. Through all the trust territories had already disappeared, the UN had a mandate for ruling the state after the end of civil wars from 1990s by establishing “transitional” governing authority in the cases of Cambodia, Kosovo, East Timor and so on. These cases of putting transitional government by the UN authorized by resolution of the UNSC and conformation by the remaining authority as the party in state failure, at least, in the light of rule of law. The practices of the transitional government caused not only how practitioner tackled with difficulties on rebuilding governance but also how academicians position it into arguments on theoretical approaches. For instance, James Fearon and David Latin called it “neo-trusteeships”^{3 4} and Stephen Krasner examined a way of “sharing sovereignty”^{3 5} for building state.

In the same linear way for creating the policy-oriented approaches against state failure, the situation of state failure like Afghanistan and Iraq summoned the awareness of global security in terms of terrorism. As Francis Fukuyama put it, “statebuilding”^{3 6} under condition of state failure as a soil of terrorism is one of most important challenges for world order in the twenty-first century.

On the other hand, the second perspective mainly focuses on the characteristic of state failure and prefers to analyze root causes of armed conflicts. The perspective tends to adopt overlapped and mixed level of analysis among global, international, regional and local perspectives according to respective argument. In her book

entitled “*New and Old War*,” Mary Kaldor argued the characteristics of contemporary armed conflict as new phenomenon in contrast with “old war” before the era of the Cold War.³⁷ Through Kaldor did not use the term of “state failure,” situation of “new war” in her book gives us an important relevance with state failure. Kaldor explained the central argument as following.

My central argument is that, during last decades of the twentieth century, a new type of organized violence developed, especially in Africa and Eastern Europe, which is one aspect of the current globalized war. I describe this type of violence as “new war.” I use the term “new” to distinguish such wars from prevailing perceptions of war drawn from in earlier [...] I use term “war” to emphasize the political nature of the new type of violence [...], the new war involve a blurring of the distinctions between war (usually defined violence between state or organized political groups for political motives), violence (violence undertaken by privately organized groups for private purposes, useally financial gain) and large scale violations of human rights (violence undertaken by states or politically organized groups against individuals).³⁸

This approach does not recognize civil war simply as internal war. So, criminal or warring factions of current civil wars are connected over state borders and conduct organized violations with multiple networks in the globalized era. In response to this perspective, Kaldor argued on global war economy and showed “cosmopolitan approach” (as one of approaches which she mentioned, but main one) in terms of legitimacy of global governance under humanism for overcoming rivalry among “identity politics” (movements which mobilize around ethnic, racial or religious identity for the purpose of claiming state power)³⁹ over state border.⁴⁰ Naturally, in the conclusion, Kaldor also receives critics against the cosmopolitan approach in relevance with a “modernist/universalist project” or “communitarianism” arguing its secular characteristics.⁴¹ This controversy foresaw by Kaldor coupled with the complexity of contemporary armed conflict so that this argument on new war gives us an analytical framework for further considerations.⁴²

As Kaldor paid attention to phenomenon of war economy, others also argued on it.⁴³ For instance, Karen Ballentine and Jake Sherman designated “civil conflicts linked to resource wealth.”⁴⁴ According to their research, natural resources most frequently linked to civil wars are diamonds and other gemstones (for instance, in

Afghanistan, Angola, Cambodia, Democratic Republic of Congo (DRC), Liberia and Sierra Leone), oil and gas (Angola, Colombia, Congo Republic, Indonesia (Aceh) and Sudan), illicit drugs (Afghanistan and Colombia), copper or gold (DRC Indonesia (West Papua), Liberia and Papua New Guinea), and timber (Burma, Cambodia and Liberia).^{4 5} In the same way, it is pointed out that illicit arms trades and transfers also promote state failure.^{4 6} Small arms and light weapons are cheap, conveniently used and easily available. Therefore, this draws problems of child and women combatants as well. Especially, many child combatants were forcibly abducted and involved by armed groups in Liberia, Sierra Leone and others.

Other researches for investigating the characteristics of state failure focus on “anarchical” structure of state failure.^{4 7} These arguments attempt to analyze structural factors of state failure by utilizing an argument on anarchical structure of international society.^{4 8} This approach defines situation of state failure as a “domestic” anarchy. Alike the analysis on international anarchy, this regards the domestic anarchy as a condition of security dilemma.^{4 9} It goes without saying that the thought of security dilemma has initiated since 1950s for explaining the dilemma among states under a situation that lead to expand armament or resort to force in response to uncertain possibility of enemy’s military intention even when neither party don not desire to do so.^{5 0} With this corollary, the approach of domestic anarchy designates a situation of absence of state legitimacy.

3-3 Armed Group Related to Contemporary State Failure

Generally, the armed group, which is called by other terms including “armed opposition group,” “non-state actor,” “armed opposition group” and “non-state entity,” are defined as ‘group that is armed and uses force to achieve the objectives and is not under state control.’^{5 1}

In the situation of state failure, armed group as non-state actor easily generates for pursuing their own profit. Provided that we examine a decisive factor brought about more serious damages of state failure, armed group, which is one of major stakeholders, ought to be analyzed inevitably. Yet, it includes various types of armed

organizations according to its origin, objective for fighting, measure of mobilization, leadership, ways of requiring war resources and so on.

In contrast with the diversity, structures of state failure also multiple at least as followings: (1) situation under absence of legitimacy of government (Somalia), but with legitimated political entity with autonomous armed group (like Puntland in Somalia) as well as with comparatively small-scale armed groups, (2) low level of legitimacy of government contested by armed groups (for instance, Liberia before 2003), (3) comparatively lower-middle level of legitimacy of government, which is not invaded in most of the territory including the capital, but governed a part of the state territory by some armed groups (for instance, Indonesia [Aceh] before 2005, Sri Lanka before 2009 and Colombia). This multiple relationships between state failure and armed group tend to be relevant to impact of globalization like war economy as noted before. Armed group itself connected through global networks as well.

Regarding analysis on movement of armed group, the academic researches on armed conflicts in Africa, which contains a significant of durable wars inside, show prominent outcomes. In their book entitled "African Guerilla," Morten Boas and Kevin C. Dunn pointed out that increasing number of contemporary armed groups in Africa are classified in a type of "warlord."^{5 2} This book is treated as a revised version of the same title book, which was edited by Christopher Clapham in 1998.^{5 3} Clapham made a distinction of characteristics of armed groups in Africa as four category as followings: (1) liberation type (independence from colonial or minority rule, for instance, Angola and Mozambique), (2) separatist type (seeking to represent aspiration and identities, for instance, Eritrea), (3) reform type (seeking radical reform to the parent government, for instance, Uganda), and (4) warlord type (arising cases where the armed groups in directed towards a change of leadership which des not entail the creation of a state but pursuit predatory benefit, for instance, Liberia and Sierra Leone).^{5 4} In this respects, Boas and Dann mentioned the additional perspective on increase of the warlord type after 1990s.

In this section, the author of this article explained the characteristics of state failure in the situation of "new war," and designated the three structures of state failure in terms

of armed group. In next section, this paper addresses to examine how peacebuilding activities ought to note especially against warlord type armed group according to the three structures of state failure in this section.

4. Conclusion: An Implication for Peacebuilding in State Failure with Warlord

Finally, in this section, this paper addresses to provide an implication for peacebuilding, especially for tackling with warlord type armed group in the three formations of state failure which the author of this article designated before. This article limits the scope of analysis to some cases in Africa because the warlord type originally was discussed on the basis of the African studies.

4-1 Warlord Type Armed Group: Eligible for Peacebuilding or Not?

According to the definition, armed group of the warlord type never have strong aspiration of state creation.^{5 5} Therefore, both of conflict resolutions and peacebuilding activities for building state intrinsically have the determination to overcome dilemmas when powerful warlord which international society cannot neglect for building peace exists. These dilemmas include trade-off between securing order and seeking fair and democratic governance as of the end of civil war. If warlord type armed group never compromises or changes the intent of fighting for securing their own benefit which is required on the condition of state failure, other stakeholders, which are eager for peace, are obliged to attempt to approach powerful armed groups led by warlord. Indeed, when the warlord type armed groups negotiate drafts of the future peace agreements, they always claim to include favorable provision for them, like the amnesty and participation for political positions in interim government after the peace agreement.

In some cases, even international humanitarian organizations have no way beside cooperating with armed groups for finding solution toward conflict resolution and peacebuilding afterward. These approaches for negotiating with armed group were

considered by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) for expanding “humanitarian space,” space for conducting humanitarian activities without hitch, armed group scarcely identifies itself as army with designated uniform and emblem which the international humanitarian laws provide. Uncertain distinction between combatant and civilian is well-known in the situation of civil war, so that humanitarian actors are forced to contact with armed groups as well to find a clearer distinction between them.

4-2 Three Deferent Structures of State Failure and Peacebuilding

How do peacebuilders tackle against such the warlord who seems to be extravagant behavior even in the situation of peace process? With arguing warlord style as mainstream type of current armed group in Africa, hereby, this article addresses to contrast with the three structures which the author of this article designated before same as followings:

(1) situation under absence of legitimacy of government, but with legitimated political entity with autonomous armed group as well as with comparatively small-scale armed groups,

(2) low level of legitimacy of government contested by armed groups,

(3) comparatively lower-middle level of legitimacy of government, which is not invaded in most of the territory including the capital, but governed a part of the state territory by some armed groups.

On the first Structure

In the first structure, with reaffirming case of Somalia, warlord tends to neglect other stakeholders, which desire to establish state sovereignty with higher level of legitimacy. Security situation continuously deteriorated and currently receives an influence of

emerging armed group related to terrorism in terms of confrontation in Afghanistan. In this regards, the UNSC report on Somalia in April 2009 mentioned as following.

The security situation in Somalia remains extremely volatile and unpredictable. Following the withdrawal of the Ethiopian forces and the formation of the new Government, the realignment of armed factions and groups continues. In some areas, popular support for the insurgency seems to be waning; insurgent attacks continue, however, and reports of a new influx of foreign fighters allied to radical groups are of serious concern. While the incidence of hostile acts by radical groups and other factions has not markedly changed since my last report, insurgent attacks, including against African Union Mission in Somalia (AMISOM), are becoming more sophisticated, coordinated and lethal.^{5 6}

In this situation as of April 2009, the UNSC suggested the following four options: “(1) transition from AMISOM to a UNPKO (option A); (2) staying the current course: strengthening AMISOM while building Somalia’s security institutions (option B); (3) staying the current course with a “light footprint” in Somalia (option C); and (4) engagement with no international security presence (option D).”^{5 7}

Though the set of these options itself are tentative plan for further negotiation in the UNSC, it does not show us a political orientation of the UN in response to the situation of absence of legitimacy in state failure. Warlords also permeate into state failure and sometimes collude with each other repeatedly with reorganizing or fragmenting. Negotiations with fragmented armed groups or suspicious terrorists, thus, are reaching a difficult moment. Any stakeholder cannot find appropriate “recognition of belligerency” or political guidance for coming peace agreement when they seek to have conflict resolution and peacebuilding in the light of ideal posture of sovereign state. It supposed to be difficult that warlord changes the mind as spoiler against peace process in this stage.^{5 8}

On the Second Structure

The second structure of state failure is that low level of legitimacy of parent government contested by armed groups. Compared with the previous structure, there remained a room for negotiation among armed groups led by powerful warlord. Like Liberia and

Sierra Leone, armed groups there had a motivation for plundering the asset of the previous government and its power structure. Charles Taylor, ex-Leader of National Patriotic Front (NPFL) won the election in 1997 after the first Liberian civil war (1989-1997) and was installed as the President up to 2003 which was the time for the end of the second Liberian civil war (1999-2003). Taylor enjoyed the position as the President but pursuing only his own profit. The light foot print approach by the UN and rapid withdrawal right after the election seized to remain Liberia as the position of state failure.

As the consequence of the second civil war, the President Taylor was criticized by the UNSC on suspicion of war crimes in Sierra Leone, because of his support for the armed group in Sierra Leone (Revolutionary United Front: RUF), and economic sanctions were imposed on Liberia. In this process, finally, international military intervention was conducted on the ground that it was focal reason for threatening “international peace and security.” Taylor was forced to give up power.

However, when we see the situation from the other point of view, we could recognize that armed groups against Taylor regime also helped the overthrow.⁵⁹ Specifically, the two major armed groups in the second Liberian civil war, Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL), were supported in acquiring resources for their activities by neighboring countries. The actions by neighboring countries could be regarded as a measure for securing the regional security as well as the national security.

The lesson of the Liberian case shows us that easier cooperation for peace agreement, which was comprised by powerful armed groups led by warlords, is alternative way to war rivalry with weapons, but leaves a seed of political struggle. In the consequence of insufficient disarmament and demobilization, politicians, who were ex-warlords, could resort to force. In this structure of state failure as well as the previous one, decision for eligibility for stakeholders of peace agreement ought to be strictly. In addition, once international community intervenes to that structure of state failure, the peacebuilders ought to be conduct for strengthening the governance in longer terms until the indigenous stakeholders can overcome the dilemma of building state according to the principle of state sovereignty with nationalism.⁶⁰

On the Third Structure

The third structure of state failure is that comparatively lower-middle level of legitimacy of government, which is not invaded in most territory including the capital, but governed a part of the state territory by some armed groups. In this case, it is seldom that the government in state failure receives international military intervention. If this structure of state failure has an authoritarian regime or despotism, the regime would refuse even investigation by international society. The third states also hesitate to intervene against the partly legitimated state according to the principle of state sovereignty.

Provided that warlord type armed groups, which govern a part of the territory, can retain their profit sufficiently, they may select a co-existence with the parent government. In this case, we can easily understand the reason why the parent state never eradicates the crime conducted by armed group in spite of the sufficient capacity for govern them as well. This kind of trade between them discourage peacebuilding activities without the parties concerned, which cannot lead to eradicate root causes in terms of war economy.

In this structure, we may find the cases such as Uganda and Cote d'Ivoire. Yet, we cannot position the armed groups in those cases as the "warlord type." We should deliberately categorize what cases clearly regard with the warlord type armed groups like past situations of Liberia and Sierra Leone. If we strain to find more details, further investigation is required from the the views of regional or local analysis. For instance, Lord's of Resistance Army (LRA), a major armed group in the northern part of Uganda, was recognized by some academics through several perspectives including "the leader as madman," "the legitimate complaints of the north of Uganda," "Sudanese collaborator," and "a consequence of a reason why the President of Uganda does not want peace."^{6 1}

On the other hand, in Cote d'Ivoire, the peace agreement in 2005 included the commitment of the leaders of the coalition of armed groups to the transitional government, however, the President who allegedly compromised to agree the peace

accord continuously hesitates to convene the national election with political concern even as of February 2010. Yet, at least, these cases instruct us the necessity of analysis for the third structure of state failure (low-middle legitimacy but influenced only part of the territory). In this situation, armed group would be devastated by the parent government as criminal actor under the law enforcement, but the situation of struggle tend to be remained under the situation of state failure.

This paper addressed to investigate a relationship between state failure and armed group. The second section following to the first section (the Introduction) attempted to explain the brief history for strengthening the state sovereignty, with paying attention to the distinction of state success and failure. Historically, the Westphalia system, with dynamic changes on its characteristics, however, the ways and means for statebuilding were done along with the principle of state sovereignty. Especially, the problems of civil wars had been treated in the category of domestic matter, so that the law enforcement developed for maintaining of domestic order. Yet, the flood of decolonization could not contain the problems of state failure. In this regards, the next section explain the dilemmas of statebuilding in the light of contemporary relationships between state failure and armed group.

In the third section, the author of this article explained the characteristics of state failure in the situation of “new war,” and designated the three structures of state failure. On the basis of the survey in the third section, this section addressed to examine how peacebuilding activities ought to note especially against warlord type armed group according to the three structures of state failure: (1) situation under absence of legitimacy of government, (2) low level of legitimacy of government contested by armed groups, (3) comparatively lower-middle level of legitimacy of government.

In the spectrum of limited scope of analysis, the author of this article finally added to remarks on an implication for peacebuilding as followings. If we face on the first structure, it supposed to be difficult that warlord changes the mind as spoiler against peace process in this stage. In the second structure, compared with the previous structure, there remained a room for negotiation among armed groups led by

powerful warlord. But inclusion of warlord in peace process would generate repercussion of struggle after the peace agreement, so stakeholders as peacebuilders ought to note the possibility of friction in longer-term peacebuilding. In third structure, peacebuilders involved have to proceed to manage negotiation with the authoritative government and ugly armed group both. As far as we concern peacebuilding in state failure, these challenges inevitably stick to the work for building state toward the success programmed the notion of state sovereignty, however, peacebuilders ought to overcome these difficulties according to the different structure of state failure, at least.

Notes

¹ The author of this article defines “state failure” as ‘the situation that the low level or absence of the governance never permits not only adequate supply of public service responding to the nations living in the geographical territory but also maintenance of security for alleviation of threat by crime, rebellion or insurgency.’ This paper mentions the details in the third section of this article.

² Robert H. Jackson, *Quasi-States: Sovereignty, International Relations and the Third World*, Cambridge University Press, 1990.

³ *Ibid.*, pp.26-32. As Jackson put it in his book, ‘negative sovereignty’ and ‘positive sovereignty’ refers to the notion of ‘negative’ and ‘positive’ liberty defined by Isaiah Berlin, *Four Essays on Liberty*, Oxford University Press, 1969.

⁴ *Ibid.*, pp.50-81.

⁵ Christian Reus-Smit, “International Law,” in John Baylis and Steve Smith, *The Globalization of World Politics: Introduction to International relations (Third edition)*, Oxford, 2001, p.354.

⁶ *Ibid.*, p.61.

⁷ *Ibid.*

⁸ As a prominent work for historical analysis on sovereignty, for instance, Hideaki Shinoda, *Re-examining Sovereignty: From Classical Theory to the Global Age*, Palgrave, 2000.

⁹ Mary Kaldor, *New and Old War: Organized Violence in a Global Era (Second Edition)*, Stanford University Press, 2007, pp.17-26.

¹⁰ Kalevi J. Holsti, *Peace and war: Armed Conflicts and International Order 1648-1989* (Cambridge University International Relations 14), Cambridge University Press, 1991, pp.145-156. K. J. Holsti, by referring to the quantitative analysis by Holsti, designates the generating issues (as “new war”) on sources of armed conflicts during the nineteenth century as followings: national liberation/state creation, maintain integrity of the state/empire, national unification/consolidation, ethnic unification/irredenta, protect ethnic confreres, government composition, protect religious confreres and national /crown honor. On the other hand, Holsti describes declining issues (as “old war”) in the same century as followings: territory, dynastic/succession issues, colonial competition, commerce/navigation, balance of power and other issues.

¹¹ William H. MacNeill, *The Pursuit of Power: Technology, Armed Force, and Society since A.D. 1000*, The University of Chicago Press, 1984, p.219.

¹² *Ibid.*, pp.218-220.

¹³ *Ibid.*, p.242.

¹⁴ Sarah Percy, *Mercenaries: The History of a Norm in International Relations*, Oxford University Press, 2007, p.165.

¹⁵ *Ibid.*, p.166. Percy puts that “the shift away from mercenary use in the nineteenth century was so absolute that mercenaries did not appear on the international stage again until the 1960s, when they made a spectacular and controversial re-entry. Mercenaries became involved in multiple African civil wars following decolonization, but first and most famously in the Congo in the early 1960s.”

¹⁶ For instance, Richard Hyde and Robert Kolb, *An Introduction to the International Law of the Armed Conflicts*, Hart Publication, 2008.

¹⁷ For the reference, see Deter Fleck (ed.), *The Handbook of International Humanitarian Law (second edition)*, Oxford University Press, 2009.

¹⁸ Lindsay Moir, *The Law of Internal Armed Conflict*, Cambridge University Press, 2007, pp.3-20. Surely, for the recognition of state failure itself in terms of the international law, the arguments on “the recognition of state” and “recognition of government” would be investigated. Especially, regarding the recognition of government, a third state can grant a qualification as the government by it when different groups claim the legitimacy as a government after the collapse of the previous government by civil war, coup, or revolution. Further investigation in these respects ought to be conducted more, however, this article primarily considered the recognition of belligerency to find the existence of armed group during a situation of state failure.

¹⁹ *Ibid.*, p.5.

²⁰ *Ibid.*, p.6.

²¹ Hisakazu Fujita, *Deroit International Huanitarie (Kokusai Jindouhou) (New Edition)*, Yuushindou, 2002, pp.213-215. (in Japanese)

²² John Springhall, *Decolonization since 1945*, Palgrave, 2001.

²³ Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace (Seventh Edition)*, MacGraw-Hill Higher Education, 2006, pp.377-398.

²⁴ Jackson, *op.cit.*, pp.82-108.

²⁵ For instance, see, G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars*, Princeton University Press, 2001, pp.163-214 (Chapter Six).

²⁶ Springhall, *op.cit.* vi-vii.

²⁷ Martin Shipway, *Decolonization and its Impact: A Comparative Approach to the End of the Colonial Empires*, Blackwell Publishing, 2008.

²⁸ Regarding the major volumes on state failure, see, William Zartman, (ed.), *Collapsed States*, Lynne Rienner Publishers, 1995, Kalevi J. Holsti, *The State, War, and the State of War*, Cambridge University Press, 1996, Robert I. Rotberg (ed.), *When States Fail*, Princeton University Press, 2004.

²⁹ Zartman, *ibid.*, p.1.

³⁰ *Ibid.*, Zartman as well took up the cases in respective chapters on African countries in the book.

³¹ For instance, Ramesh Thakur and Albrecht Schnabel (eds.), *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement*, United Nations University Press, 2001. Ho-Won Jeong, *Peacebuilding in Postconflict Societies*, Lynne Rienner Publishers, 2005.

³² Rotberg, *op., cit.*, pp.5-9. Rotberg’s research group defined weak state, failed state and collapsed state as following: ‘weak states (broadly, states in crisis) include a broad continuum of states: they may be inherently weak because of geographical, physical, or

fundamental economic constraints; or they may be basically strong, but temporarily or situationally weak because of international antagonisms, management flaws, greed, despotism, or external attacks,' 'failed states are tense, deeply conflicted, dangerous, and contested bitterly by warring factions. In most failed states, government troops, battle armed revolts led by one or more rivals,' and 'a collapsed state is a rare and extreme version of a failed state. Political goods are obtained through private or ad hoc means. Security is equated with the rule of the strong. A collapsed state exhibits a vacuum of authority.'

³³ *Ibid.* pp.302-332.

³⁴ James D. Fearon and David D. Latin, Neotrusteeship and the Problem of Weak States, *International Security*, Vol.28, No.4, 2004, pp.5-43.

³⁵ Stephen D. Krasner "Sharing Sovereignty: New Institutions for Collapsed and Failing States," *International Security*, 29-2, 2004, pp.85-120.

³⁶ Francis Fukuyama, *State-building: Governance and World Order in the 21st Century*, Cornell University Press, 2004.

³⁷ Kaldor, *op., cit.*

³⁸ *Ibid.*, pp.1-2.

³⁹ *Ibid.*, p.80.

⁴⁰ *Ibid.*, pp.80-94, 178-194.

⁴¹ *Ibid.*, pp.191-194.

⁴² However, a critic by Stathis N. Kalyvas instructs us the necessity and importance of more detailed analysis when we research to seize the quest of truth. Stathis N. Kalyvas, "New" and "Old" Civil Wars: A Valid Distinction? *World Politics*, Vol.54, Nor.1, 2001, pp.99-118.

⁴³ For instance, Paul Collier (ed.), *Breaking the Conflict Trap: Civil War and Development Policy*, The World Bank, 2003.

⁴⁴ Karen Ballentine and Jake Sherman (eds.), *The Political Economy of Armed Conflict: Beyond Greed & Grievance*, Lynne Rienner Publishers, 2003.

⁴⁵ *Ibid.*, p.49.

⁴⁶ For instance, A Project of the Graduate Institute of International Studies, Geneva, *Small Arms Survey 2002*, Oxford University Press, 2002.

⁴⁷ For instance, Nelson Kasfir, Domestic Anarchy, Security Dilemmas, and Violent Predation, Rotberg (ed.), *op.cit.*, pp.53-76, Anthony Vinci, "Anarchy, Failed States, and Armed Groups: Reconsidering Conventional Analysis," *International Studies Quarterly*, Vol.52, 2008, pp.295-314.

⁴⁸ Traditional realists in International Relations (IR) treated international relations as anarchical structure. For instance, Kenneth N. Waltz, *Theory of International Politics*, Mc Graw Hill, 1979, pp.102-128.

⁴⁹ Barry R. Posen, The Security Dilemma and Ethnic Conflict, *Survival*, Vol.35, No.1, 1993, pp.27-47.

⁵⁰ John Herz, "Idealist Internationalism and the Security Dilemma," *World Politics*, Vol.2, No.2, 1950, pp.157-180. Robert Jervis, "Cooperation under the Security Dilemma," *World Politics*, Vol.30, No.2, 1989, pp.167-214.

⁵¹ David Petrasek, *End & Means: Human Rights approaches to Armed Groups* International Council on Human Rights Policy, 2000.

⁵² Morten Boas and Kevin C. Dunn (eds.), *African Guerrillas: Raging Against the Machine*, Lynne Rienner Publishers, 2007, p.1. William Reno, "African Weak States and Commercial Alliances," *African Affairs*, Vol.96, No.383, 1997, pp.165-185. William Reno, *Warlord Politics and African States*, Lynne Lienner Publishers, 1998.

⁵³ Christopher Clapham (ed.), *African Guerrillas*, Indiana University Press, 1998.

⁵⁴ *Ibid.*, pp.5-9.

⁵⁵ Adekeye Adebajo, "Liberia: Warlord's Peace," in Stephen John Stedman, Donald Rothchild and Elizabeth M. Cousens (eds.), *Ending Civil Wars: The Implementation of Peace Agreements*, Boulder: Lynne Rienner Publishers, 2002, pp.599-630.

⁵⁶ Official Document of the UN Security Council, S/2009/210, on 19 April 2009, para.5. Additionally, the report mentioned in the para.8 as followings. 'Al-Shabaab and allied insurgent factions continue to control large parts of south and central Somalia, although the popularity of the Al-Shabaab movement appears weakened, since two pillars of its political platform have been removed by the withdrawal of Ethiopian forces and the decision of the new Government to institute sharia law. Popular resistance to the insurgency is reported more frequently. In Baidoa on 26 March, hundreds of demonstrators took to the streets in protest against a ban on the sale of the narcotic khat. In the Ceel Buur region of central Somalia, an emerging alliance known as Al-Sunna w'al-Jama'a reportedly succeeded in driving Al-Shabaab insurgents out of several towns, though the situation remains fragile and regrouping of various insurgent militias is ongoing. Meanwhile, Al-Shabaab forces defeated Government forces in the northern town of Xuddur. On 20 March, the leader of the Alliance for the Re-liberation of Somalia (Asmara), Sheikh Hassan Aweys, rejected the call, made in a recorded statement by Osama bin Laden, for Somalis to topple the new Government.'

⁵⁷ *Ibid.*, paras.49-75.

⁵⁸ Stephen John Stedman, "Spoiler Problems in Peace Process," *International Security*, 22-2, 1997, pp.5-53.

⁵⁹ Tatsuo Yamane, "Examining West African Regional Security through Relationships between States and Armed Groups: A Study of Regime change Dynamics in Liberia," *International Public Policy (Osaka University)*, Vol.13, No.1, 2008, pp.215-227.

⁶⁰ Roland Paris, *At War's End: Building Peace after Civil Conflict*, Cambridge University Press, 2004. Roland Paris and Timothy D.Sisk, *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, Routledge, 2009.

⁶¹ Kevin Dunn, "Uganda: the Lord's Resistance Army," Boas and Dunn, *op., cit.*, pp.131-149.