Failed by Design?
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> "Reason would drive [states] to give up their savage lawless freedom, to accommodate themselves to public coercive laws, and thus to form an ever-growing State of Nations, such as would at last embrace all the Nations of the Earth. But as the Nations, according to their ideas of international Right, will not have such a positive rational system, and consequently reject in fact what is right in theory, it cannot be realised in this pure form. Hence, instead of the positive idea of a Universal Republic-if all is not to be lost-we shall have as result only the negative surrogate of a Federation of the States averting war, subsisting in an external union, and always extending itself over the world."[1]

> "The government is best which governs least."[2]

Introduction

A recent UNDP report indicates that one-quarter of the world's population (1.5 billion people) live in 'fragile states', placing statebuilding at the forefront of international relations. Yet, contemporary neoliberal statebuilding is an extension of much-maligned 'structural adjustment' projects, in which market democracy has replaced socialism.[3] Statebuilding follows a path to modernity aimed at post-colonial states in the global south (i.e. across Africa), the post-socialist world (as in the Balkans), and for many states now susceptible to terrorism, transnational crime, and a range of forms of violence (as with Afghanistan, Iraq, Kosovo, and Haiti). After the apparent limitations of liberal peacebuilding especially in terms of its susceptibility to mission creep in Somalia, Bosnia-Herzegovina, and Kosovo in the 1990s, statebuilding offers a 'light footprint' approach – as after 2004 in Afghanistan – which would therefore be less objectionable to international or local partners.

      As with the pathologies that mainstream state formation theory describes[4] statebuilding assumes that the state is a naturalised, and now universally agreed structure in domestic settings, with

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the potential for an ideal form that can be exported through global governance in the same way that the state was exported through decolonisation in an earlier era.[5] This is aimed at averting war and building a basic federation of states, as Kant argued above, rather than a 'universal republic'. Thus, one would assume that the state would be designed to respond to the needs and rights of its citizens, attesting to how far the state is seen as both the source and solution to conflict. It represents a panacea inextricably linked to the monopoly over the means of violence and the coordination of development.[6] A successful state implies a positive form of peace, from this statebuilding perspective. Yet, the state is also a political and legal architecture imbued with the epistemic power and bias of the global north and its recent or contemporary hegemons. Furthermore, territorial sovereignty is a curiously archaic political framework for a world of fluidity and contingency, rather than fixity and predictability. Indeed, since the apogee of statebuilding in the early 2000s, in Afghanistan and Iraq, a dawning realisation has emerged that statebuilding is political, locally contested, and must draw on local forms of legitimacy. So far this shift has had limited impact because statebuilding is driven by a bureaucratic, security and market's oriented rationale, which is as yet heavily embedded in donor discourse and international practice.[7]

This theoretical article examines, through a critical lens, how statebuilding theory and praxis replicates a 'failed by design' form of state, which are insecure and unable to provide development, basic services, or unite a population. It traces this development with reference to statebuilding's underlying rationale, key components, their uses in indexing and ultimately undermining local agency and rights, and in establishing the basis for intervention by not dealing with local claims. The result has been – from Cambodia to BiH – a state that is not adequate for peacemaking.

The Rationale of Statebuilding Theory

Statebuilding is focused on establishing a state monopoly over the means of violence, and a shift from authoritarian and developmental (strong) states widespread in the Cold War era, which were the outcome of unmitigated state formation processes, to more balanced processes. The end of the Cold War saw many 'strong' states (i.e. totalitarian or authoritarian) replaced by failing states that could not maintain sovereignty, order, or provide services.[8] Statebuilding aims at constructing a western liberal-style state, embedded in global markets (i.e. more specifically a neoliberal state). States should be sovereign, unified, secure, liberal, rights-observing with a strong rule of law. They should industrialise and provide a minimum of public services and welfare if the market cannot do so.[9] At the same time they should not be in a position to acquire authoritarian levels of power or to produce regional threats, both characteristics of heavily centralised, industrialising states.

This is an orthodoxy that hedges against threats in the international system, and so it is understandable that it has been constantly adopted around the world. It has perhaps been the most successful political architecture for organising international and domestic order in history, in the realms of security, politics, economics, and identity and society. It implies a dominant, impersonal, rational, centralised and unified authority, control of the means of violence, and the management of higher levels of inequality and stratification that pre-state societies often were subject to. It implies a legitimate authority structure that can wield military and disciplinary power, and has the flexibility to respond to changing demands for progress as well as to external pressures. It avoids the creation of rents that interfere with its rational governance, impersonal and widely legitimate authority, and ability to provide security and services.

States that emerge from statebuilding should be 'responsible and effective', based on the logic that a state is necessary to provide security, goods, services, law, and institutions, to facilitate

democracy, rights, transitional and long term justice, integration and a rule of law, provide for basic needs and mitigate identity conflicts. Statebuilding is often based on a peace agreement establishing liberal peace parameters for the emergent polity. It also fits into a 'modernisation paradigm' whereby the economy, society and institutions are to be improved according to external models of progress (a literature long discredited).[10] It reflects the neoliberal preference for a small state architecture, anchored by and in liberal democracy and human rights, the global economy, and global governance.

Statebuilding implicitly accepts the reality of quasi-states.[11] The state establishes hegemony through the rules, power, hierarchy, and nature of legitimate authority exactly at the same time as it promises autonomy, self-determination, security, development, representation, and rights, for eternity. This means that it is forever balancing power and interests with rights and identity. Statebuilding, with the state as its unit, extends historical power forward, with its various contradictions: justice, rights, progressivism and liberalism, as well as injustice, political and economic interests, territorialism, nationalism, and recidivism. It is a reflection of the Hobbesian state of nature, the social contract enforced by the Leviathan, and the property rights that Locke refers to as a fundamental aspect of nature.[12]

As Tilly has pointed out, the state can be characterised in difference ways: (i) high capacity but undemocratic, where security is a dominant issue and function of the state and there is little public debate: (ii) low capacity and undemocratic where force is dominant; (iii) high capacity and democratic, where force and participation combine to form legitimate politics; and (iv) low capacity and democratic, where insecurity and participation are both high.[13] Despite its contradictions, the aim of the statebuilding process is to produce the third version where integration between interpersonal, formal and informal networks of trust (kinship, identity, religion, labour) is high, where inequalities related to gender, race, ethnicity, religion, class or caste are low, and where power is relatively decentralised.

Human rights and civil society are a rhetorically important flourish but are of less concern. Markets are crucial even though the related neoliberal ideology largely undermines the developmental and democratising approach statebuilding proposes. These are thought to be the 'facts' of modern peace, anchored by the role of the UN with all of its historical experience and capacity for peacemaking, along with the IFIs, international NGOs, and the main donors. The state is the architecture that consolidates this form of peace, both in its domestic and international relations and structures.

Thus, statebuilding aims to create prosperous and stable liberal or neoliberal states framed by a 'good governance' agenda, in the image that its supporters (dominated by US and northern academics and policymakers as well as many developing world elites) perceived their own states, or an ideal form of state, to represent. This relates to a balance of security, institutions, law, and markets, and with a particular vision of a neoliberal state integrated into the international community. The state should be strong but governance should be subtle and small-scale, leaving the market to shape the nature of interactions between citizens within the liberal human rights and property law framework, enshrined in its constitution. Ironically, statebuilding was meant to replace failing states that cannot maintain order nor provides services.[14] It refrains from opening up questions of historical injustice and global inequality, or local redistribution, while representing the progressive view that non-industrial, non-secular, non-individualistic, non-representative and non-rights based frameworks tend to be backward, dominated by power-hierarchies, are neo-patrimonial, and are prone to instability and violence.

The legitimate authority of the state is contested for diverse reasons: partly because of the collapse of communism, which removed legitimacy for socialist versions of the state; the role of the

state in the Asian crisis in the 1990s; the crisis of the welfare state and procedural democracy, as well as the post-2007 credit crisis; alternative historical processes or regional dynamics of state formation; and the phenomena of state collapse and fragility and the humanitarian crises this engenders.[15] Not least, the bureaucratic logic of the tension between 'rules and discretion' illustrates the difficulties of formal statebuilding in situations where more informal political processes are common, contrary to the more 'scientific' expectations of external actors such as the World Bank (meaning its use of related indexes on social capital, corruption, public service quality, institutional capacity, budgets, etc).[16] The World Bank can only deal directly with states (which are often described as 'clients') and has in any case to make sure its resources are deployed profitably through a type of arbitrage on interest paid for the cheap money it receives to lend out for development purposes.[17]

As a consequence, statebuilding is subject to a range of tensions. It is organised around the need to respond to the realist dynamics of state formation. It projects a specific neoliberal model of state, whilst also recognising the importance of identity, rights, and identity. It does both whilst also recognising the significance of power and interests. It focuses on institutions for security, the separation of powers, democracy, and the rule of law. Markets are crucial even though neoliberal ideology largely undermines the developmental and democratising approach statebuilding proposes.[18] The state is supposed to integrate material and identity dynamics of politics into a bureaucratic set of political institutions, which may produce viable governance, though it also tends to place elites above a subjugated population.[19]

However, the modern state represents an alternative to the traditional power and socio-historical patterns of politics in Europe and its former colonies from the perspective of the policy-makers who were trying to oversee an orderly progression from a traditional or colonial system to the modern states-system at different times in the Twentieth Century. The main difference is that the states being built in recent years in post-conflict areas do not have strong public services or redistributive capacity, but have instead been distilled into a Weberian, security-oriented essence. Ultimately, as a consequence, statebuilding avoids the associative dimensions of historical social and community level frameworks,[20] instead preferring to focus on security issues and the market. Statebuilding proposes an anachronism: the model state it supports is supposed to connect with 'cultural borders'[21] though this is understood as a nation-state and a Westphalian formulation. Furthermore, the role of a liberal social contract in the state - meaning redistribution and public services - is overshadowed by international or regional security agendas.

Since the 1970s, so-called Lesser Developed States (LDCs) have provided a variety of social, economic and security concerns for development actors and donors. Contemporary statebuilding is a natural extension of this logic of an emerging connection between modernisation, development and security. Whilst the liberal state is founded on claims about rights, representation, and a social contract, statebuilding's normative dimension has been secondary to its security, political and economic architecture. In practice the state often remains weak and incapable, or becomes donor-driven. A more jaundiced version of the state, after the interventionary quagmires of the first decade of the 2000s has been aimed at a 'good enough' solution: Rwanda with its hybrid authoritarian but relatively liberal state is often used as an example on the basis that it offers hope for a more stable and liberal future.[22] Consequently, conflict, development and regional or global security issues have been loaded onto the narrow, technical, institutional and security aspects of statebuilding, still aimed at developing 'LDCs'. This positions weak states as subjects unable to perform the core functions of security and market-led development that a state at a minimum is assumed to carry out. The UN system and main donors have all increased their capacity, departments, personnel, and financing in

order to address this agenda. It has not escaped the emerging donors that important foreign policy objectives as well as trade might be achieved in this way.

Statebuilding policy has had to wrestle with the fact that its attempt to order the world has been met with widely varying types and capacities of agency, especially in the local scale. As Migdal argued, the issue is whether the state incorporates its subjects or vice versa,[23] but two decades into the statebuilding project, it is also obvious that the post-conflict state it produces generally remains insecure in its many experimental locations around the world. Security, democracy, law, human rights, and development processes, are politically contested in local contexts. They are not merely 'international policy practices' aimed at institution-building and managed from neutral international sites of legitimate authority, as external statebuilders often assume.

Statebuilding, to summarise, is derived from an assumption that when sovereignty is weak and the state lacks capacity in the domestic arena, it fails to contribute to regional stability, or comply with international norms or law. Consequently, intervention is justified, necessary, and desirable.[24] This is a contradiction whereby autonomy and sovereignty are expected but are to be provided and simultaneously ignored by a range of international actors: the UN, IFIs, donors, INGOs, and agencies, whose role it is to develop the different aspects of the neoliberal state where they are perceived to be weak or failing from an external perspective. Thus, conflict and development settings around the world invite intervention, despite international prioritisation of self-determination and sovereignty.[25] This shifts responsibility for peace, order, stability and development from local planners and policy-makers to an externalised epistemic community of international planners and policy-makers (many of whom had local connections). Such actors (in the UN system, IFIs, and INGOs) regarded themselves as 'above politics'[26] by virtue of the fact that they carry privileged knowledge about statebuilding. Reducing peace and politics to a functional rationality removes much of the baggage of history, society, and indeed, law, enabling the export of the structures of statehood to be seen as a technical process, rather than an organic function of the social, economic, and political history of the peoples that were being engaged with.

Efficiency, Core Functions, and Measurability

One interpretation of state formation wars is that they are 'development in reverse' in domestic and regional terms, in which the state is either a vehicle to protect elite interests (often related to the so-called 'resource curse')[27] and engages in crime or supports terrorism abroad. In general terms this is taken to necessitate a range of external interventions to bring about security, democratisation, marketisation and a rule law. Significant development is often required for the latter functions to emerge, which also necessitates intervention in forms that facilitate their development relatively quickly in order to provide a range of political, economic, civil and security 'peace dividends'. The rebuilding of the state according to an epicentral blueprint requires a set of criteria need to be introduced, catalogued and measured.

Statebuilding provides a technocratic, reductionist and strategically simplified, modernisation oriented response. It is based upon considerations of efficiency, core functions, and comparative measurability, which drives intervention. This requires coercion, capital, legitimacy, and leadership.[28] Intervention may be seen as productive if a "viable" state is its outcome. This is also a way around the consent problem associated with any intervention. In addition, statebuilding overcomes accusations of racial and normative bias towards a specifically western and northern set of interests and biases by claiming to deal only with the desirable structure of the state in a scientific, though universal way.

According to the emblematic World Bank 1997 report on "The State in a Changing World", the state has a set of core functions, ranging from the minimal function of security and law and order and the 'activist' functions associated with legitimate institutions, public services, welfare, and social support.[29] The international system is based on statehood and sovereignty and the UN and World Bank as also heavily implicated in their success. The World Bank in particular naturalises the concept of the state even if it does not support a centralised and all-powerful version.[30] Indeed its report of 1997 talks about the importance of dealing with poverty, marginalisation, the vulnerable, decentralisation, unemployment, and public services in an equitable manner for ordinary citizens, so that state and the people are closely connected.[31] It implies that democracy would be secondary until the state was actually built. It offers a process of modernisation whereby previous institutions are brought up to date and into line with the current models associated with advanced (or late) capitalism and neoliberalism.

Fukuyama has argued that states have three sets of functions which should be thought about in the context of statebuilding: minimal, intermediate, and activist.[32] These range from a basic security and rights approach to more intervention in terms of redistribution: as the state becomes more activist it becomes more involved in the markets. The OECD has argued since 2005 that statebuilding rests on three pillars: core functions of state structures, legitimacy and accountability, and the market.[33] These understandings of the state indicate a range of core functions that provide security and consolidate democracy, rights, and prosperity.[34] The state would be responsible for security and justice, revenue creation and collection, providing basic services, creating jobs, and the better these tasks were achieved the more legitimacy the state would receive from its citizens as well as from the international community. Civil society is essential for a liberal social contract to come into being.[35] The state would focus on a 'foundation of law and property rights' but should also be aware of the need to protect the marginalised. It should be decentralised, be competitive, and be meritocratic.[36] Statebuilding itself would emanate from international organisation, institutions, and donors, their norms and political and economic practices, passed down through systems of global governance, through international and conventions, through regional organisations, to the state, via integrated regional and international praxis view institutions and organisations, to the diplomat, programme officer, and official, working at the state and local levels.[37] These core functions of the state obviously require external intervention in order to be implemented efficiently, and also require monitoring, as well as measurement in order to maintain comparative international standards.

Taxation is one of the core areas of state competence enabling measurability. As a recent DFID report noted, taxation is a political activity aimed at establishing authority that is indicative of the viability of the state. The ability to collect tax and to spend it, deciding on what to spend it on, provides a state with its identity as a neoliberal state. It also provides the state with powerful instruments to support, catalogue and control its population, many of which may be used to perceiving the state as predatory and may resist.[38] Furthermore, most post-conflict states have very limited tax returns, this being indicative of broader failings of efficiency and measurement approaches based on not just very limited data, but also very low levels of activity, across the core functions of the entire statebuilding enterprise. The taxation example also indicates the general failure of international actors to recognise the ideological dimensions of statebuilding. For example, individual property rights imply a commitment to capitalism that may not often be clear in specific contexts or may be under dispute (for example in the statebuilding project in Nepal after the end of the Maoist insurgency there).

From a statebuilding perspective the state is a piece of bureaucratic and legal architecture rather than a social and political configuration, which can be constructed or modified and measured

to improve its effectiveness. It is not an institutional and legal representation of society, its preferences, dynamics, and socio-historically constructed patterns of legitimacy. At best it represents an international consensus amongst a few core donors on the nature of the state. This projects a hegemonic view of the state throughout the international system, which others follow, for various reasons, including a complex mix of international representation and recognition, trade, nationalism, and autonomy. The statebuilding paradigm the World Bank, OECD, and others, have proposed means that the state has homogenous domestic and international requirements. In addition, UN agencies focus on responsibilities following universal norms, humanitarian and human rights priorities.[39]

Indexes and Intervention

Having established a technical, instrumentalisable, modernisation basis for the model state, and so subsequent statebuilding interventions, the next step in the development of this logic is to see the viability of states as measurable in a range of areas: including in security, institutions, law, economy, public services, and civil society. Once the state in a specific form is assumed to be the building block of the international system, its qualities can be indexed and compared, and related to practices of intervention. These rationales have led to the emergence of a range of 'failed state' indexes, which assess various factors of state fragility, mainly underpinned by Weberian, bureaucratic, and neoliberal understandings of the state. These are often focused on territorial notions of sovereignty and core functions related to security, political authority, law, as well as basic understandings of the rights required maintain minimal legitimacy and to trade freely. These indexes support arguments for intervention in cases where states can no longer provide 'positive political goods' and lose the support of their citizens.[40] Such states are contested by warring factions, support criminality, and violence often spills across open borders,[41] as in Angola, Burundi and Sudan and many others at various points in the last twenty years. When legitimacy collapses, Weberian understandings of the weaknesses of states set against such measurements can also be seen as justification for state building interventions.[42] Clientelist, corrupt, patrimonial states invite such interventions, as do various understandings of way states may be weak (because they are post-colonial, neopatrimonial, resource cursed, clientelistic, shadow states, denying of human rights, engaged in ethnic cleansing, and other reasons). States are seen as failing, collapsed or predatory, neither meeting cosmopolitan standards, nor providing for local, regional or global security or global markets access to resources.

Various state fragility indexes reinforce such externalised perspectives of what the core functions, philosophical aim, and positionality of a post-conflict state should be and what the consequences may be.[43] They represent long-term externally calculated statistical datasets (often 'gathered' with limited access or patchy data) across a range of sectors, are yet they thought to produce predictive capacity about a state's viability.[44] State fragility is the inverse of specific internationally determined, often ideological forms of statehood where the state is designed to administer and provide for its population and territory and fails when it cannot. State authority and capacity as well as its relationship with society are part of this construct, of course.[45]

The World Bank conceptualises state fragility as resting on 'indicators of state effectiveness', including governance performance, the rule of law, governance effectiveness, corruption, and human rights.[46] State fragility represents a continuum from the ideal through a variety of limitations until a state of complete collapse is reached. This provides international actors with a basis for identifying what they need to intervene for, where and how, because such states are at risk from crisis, war,

environmental disaster, economic and political collapse, terrorism, corruption, unemployment, crime, all of which have implications for the region and the international system.

From the international northern perspective, resulting indexes may be used to produce a hierarchy of states, the lowest deserving the attention of other hegemonic states, donors, and agencies, for reasons of support, reform, and of course regional security. This logic produces a homogenous technical (though not material) hierarchy in which key states like the UK and US are natural exemplars. These exemplars have produced a specific rationality of state and governance, from which an understanding of core functions their measurable efficiency has been drawn.

Because the states envisioned in this process are neoliberal, focussed mainly on security and marketisation, but with limited capacity for both or to provide public services and a wider peace dividend, this presents a paradox. Statebuilding prefers decentralised, small states, in order to prevent the state becoming internally or regionally predatory. Such states were also to be a crucial institutional part of global governance.[47] Yet, the historical weakness of states to offer such capacities through a light touch means security or a peace dividend is almost impossible to achieve: "...a minimalist state would do no harm, but neither could it do much good."[48] Consequently, an international and states-system thus framework is inevitably based upon hegemonic practices of intervention, military, economic, political, and social. Any weaknesses of the state would be mitigated by external political and economic intervention, including the possibility of the use of force. Increasing state weakness, in the areas of security, crime, terrorism, as well as deviations from the liberal peace/ state norms of the developed north are seen as threats to international peace and security, as the events of the 2000's showed, especially in relation to states like Afghanistan, Somalia, North Korea, Pakistan and others.[49] Such failings and post-conflict states were now to be seen, as a 2008 US Department of Defence document made clear, as a threat to the regional and international systems, allowing breeding grounds to emerge for terrorism, poverty, crime, trafficking, and humanitarian catastrophe, which may inevitable spill over into other states.[50]

Such a rationale drives the analysis of any conflict toward local pathologies related to security, institutions, law, rights, and markets, and negates any of the broader considerations, rooted in historical processes including colonialism, global inequality, powerful strategic interests, displacement, emigration, settlement, and other external forces, which may have been exerted on the local population. It also ignores the fact that the neoliberal state is a very specific form of polity, which somewhat parochially, emerged from a specific geographic region and political experience. The majority of donors are focused on the implications of state fragility for global security, including all of the biggest donors, followed by economic development and good governance, with human security, local peace, and basic needs following in a poor third position.[51] Accordingly, donors now often compile lists of weak or fragile states in order to prioritise their funding.[52] As Call has argued, these approaches deliver the fallacy that all states are the same and their strengths should lie in the same areas, the liberal peace is unproblematic, as are neoliberal states, external trusteeship is necessary, and that the west or colonial history had no role in the state's collapse.[53]

The Local and Society

Amidst these processes of statebuilding and their endorsement of a specific model of state, supported by external intervention, exists the population, or the everyday and 'social'. Statebuilding attempts to address local communities of different normative and value systems through an external blueprint, and focuses on state architecture rather than more direct links with communities. Though it has effectively emerged out of the development of European mediaeval societies and their

increasing need for governance to regulate wars over resources, territory and identity, statebuilding has erred on the bureaucratic and technical side rather supporting the associative framework any community would entail. The state is the vehicle for the diffusion of norms of territorial sovereignty, individualist norms and property rights supported by western conceptions of law, supporting international rules for state conduct between each other.[54] The local and society tend to be secondary in this process.

UN agencies, such as UNDP or the Peacebuilding Commission, can engage with local communities to some degree as it is in their mandate, but it is more difficult for the World Bank, which expects to work with the state and its government.[55] Elites expect status and interest politics to play out at the state and international levels. The state may be externally legitimate but the government often has less internal legitimacy as a result. Despite DDR and democratisation being supported by external agencies, elites or governments often use services as a way of extracting rent or bribes, which in turn drives insurgency and at the very least receives little support from the local population. This makes it difficult for international actors to transform the state and society.

Internationals have tried to engage with the legitimacy of a range of informal and formal local actors and engage with them, but this requires in turn that internationals have a detailed understanding of local scale and informal political processes, which they often do not have. 'Field missions' or 'field offices' may do better at this, but often their view of the local is limited: knowledge is also lost in transmission back to headquarters in New York or Washington.[56] This means that statebuilding is handicapped in terms of trying to find local sites of legitimacy to work with.

The resultant states are not aimed at fulfilling the needs of their inhabitants, confirming their socio-historical identity, or protecting their modes of interaction and organisation. Instead they respond to the ideological, security, and economic objectives of dominant international and regional actors, as determined by the realist 'war makes the state' tradition of state formation theory. Because the structural, sociological and anthropological traditions of state formation are ignored, many post-conflict states are not constructed on the basis of local needs or identities at all.[57] Rather they operate on the basis of maintaining a disciplinary distance between local and elite or international actors rather than an empathetic and decentralised system of representation.[58] This has led to statebuilding becoming an inversion of liberal notions of the autonomy of the political subject and of the state.[59] The capacity to intervene in multiple political, social, and economic ways requires the removal of autonomy, for both elites and the general population. It is a denial of identity and represents a dismantling of the socio-economic checks and balances of a society, or its historically constructed systems of legitimacy, authority, and community.

Security is constructed as territorial and sovereign rather than for the community or individual: democracy is seen as procedural rather than participatory; the rule of law protects and constitutes the subject rather than emanates from it, as well as endorsing private property rather than historical or customary notions of communality; human rights are based on secular and individualistic conceptions of rationality; development emanates from markets, local and global rather than state redistribution. Such state institutions and frameworks are bureaucratic, controlled via global governance rather than democratic will, and thus are dependent on external legitimacy.

Yet, they also require a concept of civil society[60] so that state institutions can be made socially commensurate, which implies a need for local legitimacy, even though civil society does not necessarily mean creating state institutions that mirror social alterity expressed through ethnicity, religion, language or culture. Yet, the civil society donors reproduce often is not connected to the local, meaning civil society or a local-local, but instead has more international connections with

donors or a liberal epistemic community. Worse it may favour elites adept at disguising their retrogressive behaviour. For this, the identification of the non-liberal other, the underdeveloped, the corrupt and violence prone is especially useful in the struggle to maintain the dominance of a specifically northern form of political legitimacy and international institutions, as well as to maintain a hierarchy of formal politics and institutions over the local, context, culture, and forms of agency that may well be resistant to the liberal peace.

Hence the rule of law maintains global governance while the secondary system of democracy merely acts as a check on domestic power. As in Bosnia-Herzegovina it is the role of internationals to constrain local autonomy rather than to promote it, in this case through the OHR. This, and many other similar instances, from UN and IFI engagements in Liberia, Mozambique, the role of EULEX in Kosovo, or the UN in Timor Leste, may be described as the sharing of sovereignty to different degrees but the rules are established externally and then shared in a managerial and directive sense on the ground through various instruments of conditionality. Society plays little role in an *a priori* process of statebuilding.[61]

The nature of the state depends on the dominant political classes in the international system in this formulation, and their economic strength, norms, and ideology- expressed through their control of dominant institutions and international political discourses on development, modernisation, peace, and security determines the nature of the state, its durability and responsiveness.[62] It is both a way of rescuing subject populations and perhaps more importantly of maintaining a regional and hegemonic order. The neoliberal attempt to build a 'small state' means that the constitution of society in a social contract with a state that represents its identities and interests is denied: peace can be attained through prosperity but not through social reconciliation. In this way neoliberal statebuilding is subject to internal tensions that prevent it from achieving peace, and instead pacification is its goal.

As a result the nature of the state that may emerge via statebuilding is fixed and incontestable, denying local patterns of politics. Its main limitation according to external actors is in the creation of local dependency, which should be avoided at all costs. It is a scientific process rather than a normative or cultural engagement, and underlying it is the judicious application of hegemonic power by a range of international actors.

Increasingly, international actors such as the World Bank are aware of the problematic binary of the local versus the international, the need for local scale legitimacy and ownership, not to mention consent. Yet there tends not to be an engagement with the problem that their modernising strategies effectively dismantle local capacity while the liberal state and its replacement processes are built. The World Bank may be now becoming aware of the issue of communally owned property in post-socialist or communal societies, but most post-conflict sites also host major developers using communal land for extractive projects. One of the state's key roles- that of providing physical, economic, and social security, has been turned upside down by the ideological preference of statebuilding's backers for states which do not redistribute wealth, meaning that capital is fleeting even it is floods in because it simply cannot be captured and redistributed (see the case of FDI as a 'peace dividend' in Cambodia for example).[63] This has a damaging effect on the statebuilding project as it undermines economic and social stability in context (and facilitates elite predation which operates on the basis of the right to accumulate profit), even if physical security can be assured, as is well illustrated in most statebuilding cases, from Cambodia to Afghanistan.

Statebuilding lacks an understanding of local alterity: of other ways of life; other constructions of rights; other understandings of the role of the state; different balances between society, the economy, and institutions; other ideologies; contextual and environmental constraints. It

appears in short to be a neo-colonial project, replicating the Anglo-American version of that state and Western values as if they were indeed universal and progressive. This process is run by unaccountable personnel, with little understanding of the political, social, and economic history of each context, and the ways in which legitimacy and authority may interact. Yet, at the same time it also claims to create 'open access' societies.[64]

The Technocratic State

The practice of statebuilding, centred around core functions, efficiency, measurability, and indexes which then facilitate a logic of intervention, illustrates the epistemologically-centred way the west thinks about security and politics. Good practice emanates from a conceptually clear (though probably highly inaccurate) understanding of the development of the state itself. It requires certain 'habits of mind'.[65] Individualism is one of these in social settings often obviously motivated by community or group rights. Individualism is necessary for property rights, often contrary to customary or shared understandings of resources, especially in subsistence settings. Similarly, civil society is often equated with externally driven NGOs that are normally new arrivals in a post conflict environment, and are not representative of local legitimacy or voices.[66] Formalism over informalism (or public over private, official over unofficial) is another deep-seated bias. It is often unquestionably based on a set of Anglo- Saxon legal norms, which immediately come into tension with local norms (which are often from multiple influences).[67] It requires a hierarchy in which security, good governance, development, public services, and a safety net follow in roughly this order, running from a Washington Consensus to its aftermath in which priorities are selected.[68] It assumes that local elites reject reform in order to maintain their own power base, and localised social and customary practices are pre-modern and therefore should be removed or altered, all through external intervention. The state is shorn of its historical and social context, re-established as a procedural infrastructure, representing best practice and good governance, via an ideological preference for a certain form of state.

Furthermore, the state's historical evolution has been confused- from the notion of national reconstruction after WW2 to the idea of a liberal state in the 1990s to the neoliberal and small state of 2000s, to the realisation that small states may equally be problematic since they cannot provide for security, welfare, or rights even if they may partially avoid the threats of predation resting on the larger resource base an authoritarian and centralised state may appear to have. Even so the state that emerges from statebuilding is a technocratic state, with little to connect it to its inhabitants other than an institutional framework which claims efficiency in minimalistic institutions, offers property rights in a predatory global political economy, and a legal framework for right-based equality. Its universal normative basis, according to Trouillot, silences the past and represents a 'provincial universalism'.[69] The provincial rationality that the technocratic version of the state and statebuilding imply drives the state away from its citizens because it fails to move beyond recognising the basest of instincts and most basic of needs. Its rationalities obscure the life and society that comprises the actual polity.

The form of the state that has emerged as the focus of statebuilding is problematic from a local and ethical perspective, generally cannot engage with short term and pressing needs issues, and its institutions, security and rights frameworks depend on external support. This is partly why the role of external actors— donors, IFIs, INGOs, and the UN system more generally— has become crucial in the post-cold war order, where statebuilding has emerged as a concerted and interventionary attempt to shape that order. This means that they are propped up by the UN in development, security, SSR/ DDR, and democratisation terms, and the UN also provides external

legitimacy in the absence of local forms (at least from the UN's perspective). Donors and IFIs support this and provide resources and tutelage, described as various kinds of support. Troop contributing states provide the means for security and longer-term security institution building. International markets offer opportunities for investment and economic development. This requires a state that is dependent on external support and training, with externalised security provision, and externalised wealth generation. Civil society is supported to a limited degree by actors most visible in the realms of accountability to the international liberal gaze, but only where it conforms to the technocratic logic of the state and market rationality. As a result, civil society is separate to the state, rather than partly or mainly constituting it. Civil society, as a result of these dynamics, is now widely accepted to be small, isolated, often at risk of political and financial sanction from state institutions, even political parties, and international donors.

What emerges from this process is an insecure neoliberal democracy, with an embryonic civil society and a small capacity to engage in global markets, dependent on internationals for basic provisions in all of the key areas of the state, unable to provide public services, and so dependent on external rather than internal forms of legitimacy. The post-conflict neoliberal state rarely has the support of its general population, but instead is held together by a material and ideological alliance between international and local elites. This neoliberal democracy is a weak state by design, one that would fail if it were not for often opportunistic international support, and one which reflects a compromise between international and elite interests and identities, rather than those of its general population. Citizenship tends to be polarised following elite preferences, which may depend on alliances with a range of international actors for support. For this reason the 'failed statebuilding' process represents a compromise between international and elite norms, preferences, interests, lacks a social contract or a peacebuilders contract, and so becomes authoritarian or even neo-colonial.

This rationality of statebuilding has the unintended consequence of playing into the hands of local elites. Technocracy is hijacked easily by political and material interests, where it has access to power and to local knowledge. A weak civil society, property and boundary oriented security systems, and a weak state gives elites security and control of the emerging neoliberal state and its assets. It justifies their control of power, enables them to maintain a legitimate place in the market, and undermines representation and rights. Trickle down elevates their economic positions, international contacts provide them with legitimacy, and the neoliberal nature of the state allows them to share as little wealth as possible. Furthermore, international concern with efficiency and coordination allows them to argue that their own citizens are not yet ready for autonomy and to re-establish authoritarian patterns of governance, despite international attempts to prevent this from occurring. Inadvertently, internationals support the emergence of authoritarian, unrepresentative, and unequal states, mirroring and exaggerating the dynamics now becoming apparent in many established liberal democracies. Statebuilding processes provide a range of processes and opportunities for elites to maintain their power, both at the international and national levels, as well as maintaining Westphalian notions of territorial sovereignty long thought to have been outdated.[70]

There are major differences in the liberal and neoliberal conceptions of the technocratic state that are being produced by external actors, and the possibly historically, culturally, customary, ideologically, oriented states of that may emerge in local contexts. Because of the focus on the state formation dynamics of power and security, the neoliberal version seems most appropriate according to the ideological bias of statebuilders working for major donors. A neoliberal state is one in which liberal rights and a social contract are supported by law and constitution, given materiality through markets, access to which provides a trickle down process and opportunities for citizens to create wealth. Such models dominate the world's statebuilding processes, from Timor Leste to the Balkans,

but have so far rarely been effective in wealth creation sufficient to stabilise the state. In the UN system, the liberal version is generally preferred even if not used in practice. This is especially in the light of elitist, neopatrimonial, authoritarian, securitised, and developmental models of states that have tended to emerge from more grounded state formation processes, from Sierra Leone to Cambodia. The liberal model emphasises a rights framework for the citizen in a representative context in which a social contract has come into being. This has sometimes been modified into a social welfarist version of the state, but of course in developmental settings, funding such a state without external subvention is impossible, given that donors have adopted a neoliberal state in mind.

A more contextual version of state that emerges from the local-international encounter via statebuilding may be described as hybrid or post-liberal given that they are partially defined by their populations, rather than merely by external actors or predatory elites. They may hope to rest more on local legitimacy even if they appear not to conform to external norms or preferences for marketisation, and score poorly in statebuilding indexes.[71]

A post-liberal state, according to Chandler, is one that is globally governed meaning there is little autonomy for the citizen.[72] Modern processes of statebuilding operate in the realm of global governance, where power is disaggregated away from the state[73] towards the alphabet soup of donors and agencies, which have replaced sovereignty and politics with programming and institution-building drawing both on liberal-institutionalism and the dream of international cooperation and on the neoliberal state model of the post-cold war world. Legitimacy is rationalised and derived from a dominant, or at least formerly hegemonic liberal peace consensus, rather than on a social contract and citizenship. Indeed, neoliberal states tend to marginalise both. In all of these versions of the state there is little political agency of any positive meaning in the local contexts. These are mainly depoliticised states.

Statebuilding rarely acknowledges the possibility that there are multiple possibilities for the state. These may result in different, hybrid, rather than homogenous forms of state, as could be argued to be the case in Kosovo, Timor Leste, Somalia, Somaliland, Afghanistan and many others.[74] This is not valourise such polities, but to raise the issue of how statebuilding (or indeed state formation) is perceived from the inside-out. Indeed, the debate on statebuilding continues in an internal policy and academic register of problem solving, which also does not account for the debates about moving beyond sovereignty that emerged in the 1990s. Nor is there much debate about the nature, identity, and quality of the sovereignty and autonomy that such states have, or whether it is commensurate with any movements that may have existed for independence of self-determination. There is also another side to post-liberalism: it represents local scale critical agency emerging from the grassroots to produce though political, and often agonistic, forms a more contextually resonant framework for the state, which subsequently might rest on more local legitimacy.[75]

Conclusion

The development of a fixed, neoliberal model of state, and an architectural process whereby it can be constructed legitimates varied forms of external intervention. Statebuilding builds virtual states and a virtual peace.[76] These states maintain subject relationships at best, with a very limited reach beyondcore geographic spaces (the capital, for example). Indexing is vital to the cataloguing of state performance emanating from this model, and for intervention. A negation of local agency is vital to the maintenance of the mainly international legitimacy supports such interventions and conditionalities. This enables the state is to be pacified and conform to international interests, norms

and preferences, and to avoid raising uncomfortable historical, justice-oriented, and economic questions.

Though such expediencies, statebuilding aims avoid a 'universal republic' and to create a basic 'federation of states to avert war'. Yet, statebuilding and the state it creates are ill-equipped to do so.[77] It is a step back from the normative framework that liberal peacebuilding supplied, albeit in universalising form, and has been heavily influenced by realist flavoured understandings of state formation, which themselves have driven statebuilding into the terrain of structural adjustment. Yet, this type of state cannot deal with a range of demands for a long-term peace dividend, or to iron out inequalities, or support reconciliation. Situations have emerged in cases like Sierra Leone, where the military and police have been reformed, government has decentralised, elections have been successfully held, but living conditions for ordinary people are unchanged.[78] As in Liberia, many state institutions are controlled by external actors, and have produced in relation to local processes of state formation a 'disorderly order'.[79] This presents a paradox because the local polity is perceived by external actors to bedisabled by war, or incapable of developing along rational, representative, bureaucratic, capitalist (and secular) lines. Therefore, according to this logic, international agency must create parallel structures through externalised intervention, which should not be harmonised with local interests, identities, or preferences where possible, but while also trying to maintain local legitimacy. The outcome of such projects has unsurprisingly generally lacked local legitimacy (and increasingly international legitimacy, as in Afghanistan and Iraq).

Statebuilding represents an extension of a very conservative liberal peace,[80] lacking emancipatory content and capability. It has produced states that are failed by design. They suffer from a lack of legitimacy and broad acceptance on the ground, play into the hands of exclusive elite projects, tend to be securitised, to follow northern understandings of rationalism and liberal institutionalism, represent a range of categories and hierarchies unsuited to context, and offer a legibility and a legal framework which is distant. They exclude large parts of local populations (as in Afghanistan), or endorse relative inequality in the international system, fail to take into account local history and society, and sometimes indirectly support exclusionary identity systems (as in BiH or Kosovo). They follow standard operating procedures regardless of past failures, and prevent any local debate about the type of state that might be built (as in Timor Leste).

It is for these reasons that the global apparatus of statebuilding has created an inhospitable and defensive visible architecture: of fortified donor, agency, INGO, and diplomatic facilities. These alone are often deeply offensive to local populations, in that they reinforce their inequality by operating in a securitised register more akin to the predatory states or occupations they may have previously resisted. So while Thoreau's famous aphorism in the epigraph to this article may now apply to both state and international governance in post-conflict sites, neoliberal statebuilding fails to provide and connect with the societies states are being built for. This represents an international failure to identify viable local foundations for peace and legitimacy and hencestatebuilding creates states that are failed by design.

Notes

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