UNITED NATIONS GENERAL ASSEMBLY:
SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE

INTRODUCTION

The Special Political and Decolonization Committee (SPECPOL), or the Fourth Committee of the United Nations General Assembly, as it is also known, was created in 1993 in accordance with the General Assembly Resolution 47/233. Its main objective was to address significant political matters that the First Committee (Disarmament and International Security—DISEC) was not able to handle, such as self-determination, decolonization, and other international security matters. Later, SPECPOL was given a broader overall scope with other topics to address due to its success in coping with the Palestine Question, among others.

Currently, SPECPOL can be viewed as the UN Security Council’s entrance door, since the issues discussed at the Council are often assessed earlier by the General Assembly through SPECPOL—not only because of the broader approach it has in terms of international security, but also because it allows all UN member states to be heard before the question reaches other organs. Since it is a General Assembly committee, all of the UN member states can participate in its discussions with one vote to each one of them. SPECPOL’s resolutions are not binding, but they are very appealing to the international community, for the reason that they reflect the opinion of the majority regarding substantive matters.

This year, UFRGSMUN’s SPECPOL proposes two very pertinent and stimulating topics to be discussed. The first one invites the delegates to consider the threats to international security which could come from conflicts over multinational sources of fresh water. The second topic handles with international processes of state-building, giving greater attention to infrastructural, securitarian and political issues.
TOPIC A: Multinational sources of fresh water and international security

Walter Lorenzo Zilio M. de Souza, Laura Lammerhit and Bruno Gomes Guimarães

“The General Assembly recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights”

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1. HISTORICAL BACKGROUND

It is well known that many ancient civilizations, such as the ones in Mesopotamia and Egypt, developed around rivers and deltas, for they already knew that the survival of the human race depended on water distribution systems. Water has played a very important role throughout History. It was a main actor in the evolution of agriculture and in the setting of cultural values of different communities. It has changed in importance as cities grew bigger, with the process of industrialization taking place and the world population growing rapidly as it did back then.

As its importance is so patent, it has also led to several conflicts in the Ancient world. The first one known by historians happened in 3000 B.C. between ancient Sumerians. Later, it was the main cause of belligerence between Egyptians, Armenians, Babylonians, Assyrians, Greeks and Romans (GLEICK, 2008), which attests that water conflicts are as old as civilization itself. However, not only conflicts were caused by fresh water issues. The Persians, for example, created an ingenious hydraulic engineering contribution with their qanats, a subterranean system of tunnels used to collect and transport water—a method copied in the Arab world as well as in the Roman Empire, developing the benefits of cooperation between different peoples.

Since the beginning of the Industrial Revolution and the consequent increase of urban population, water has started to become an even more delicate issue, forcing the development of adequate infrastructure to transport huge volumes of water from distant sources into cities. Later, it has also started being used for the purposes of energy generation and agricultural intensification. In addition to that, with industrialization another problem appeared: water pollution. However, no official policy was adopted by governments to handle the situation—even with the knowledge of its importance.

The progressive need for water has ended up resulting in several conflicts at both regional and international levels. Most of them can be related with diseases—due to the lack of access to basic sanitation—, migration, violence and government instability, known by many as the “water wars” (CARIUS; DABELKO; WOLF, 2004). These conflicts involved several different countries. For example, in 1898, there was a military conflict...
between Britain and France to gain control of the headwaters of the White Nile, in Egypt. And during the World Wars, there were quarrels between China and Japan, Germany and the Netherlands and Germany, Italy, Britain and Romania (GLEICK, 2008), all of which treated water-related issues as military targets or tools.

During the Cold War, with the decolonization process taking place, more pressing water-related matters have sprouted in the Middle East, Indochina, Korean Peninsula, Southeast Asia and Africa. This happened mainly due to the emergence of newly independent countries.

The dependence of several countries on the same water system may lead either to conflict or to cooperation between the involved states. In the first case, the historical examples presented above show the rivalries being responsible for destroying, blocking or poisoning the water storage facilities of the adversaries. In the second, the need to control water could motivate collaboration among humans as well as organizations.

The challenge to the international community evidently relies on the first case, bearing in mind that water dispute conflicts are getting more and more numerous as the time goes by, and it is widespread in all continents. Regions such as Southeast Asia, Northern Africa and the Middle East have historically tended to be, however, more problematic, not only because of their unsolved political issues, but also because of their vast semi-arid and arid regions. Classical cases of transboundary disputes include those that concern the rivers Nile (Africa), Jordan, Tigris-Euphrates (Middle East), Mekong, Indus, Mahakali, Ganges (Southeast Asia) and some of them are still not entirely solved.

2. STATEMENT OF THE ISSUE

2.1. Introduction to processes of water and its unequal distribution

Water is a commodity of great importance for the survival of living beings, the maintenance of ecosystems and their production processes. Its uses range from the simple hydration of plants and animals to industrial complexes as an input. In the case of human activities, the production of food through irrigation systems is the main use of water for human survival and trading. As the world population increases, the sound management of water becomes more important, in order to avoid water pollution and scarcity. Furthermore, misuse of this commodity can lead to serious inter and intrastate conflicts, whose causes and consequences shall be discussed later.

In order to understand water processes and its conflicts, it is important to analyze some basic aspects of water. According to the United States Geological Survey (2011b), 97% of world water is saline and available in oceans and 3% are fresh. Of the fresh water,
68.7% is locked up in glaciers and icecaps, 30.1% is groundwater (aquifers) and 0.3% is surface water (in rivers, lakes and swamps) (US, 2011b). Presently, ground and surface water are the most used sources, given their availabilities and low prospection costs.

In order to understand what controls the availability of water in these sources, one must understand the hydrological cycle (see Figure 1). Therefore, one must understand that “the hydrological cycle describes the constant movement of water above, on, and below the Earth’s surface” (HYDROLOGICAL, n.d.). In addition, it can be noticed that “water percolates to the zone of saturation, or groundwater, from where it moves downward and laterally to sites of groundwater discharge [rivers, lakes and oceans]” (HYDROLOGICAL, n.d.). That shows the important connection between ground and surface water. Therefore, precipitation, infiltration and evaporation are main keys on water dynamics, so an anthropogenic influence on them can modify (surface and ground) water distribution and availability in a region.

As told before, ground water is the main source of freshwater, yet not so exploited as lakes and rivers. Reservoirs of ground water are known as aquifers. They are constituted by a water-saturated soil zone beneath the water table (or phreatic surface) and frequently recharged by precipitation (US, 2011c). On the other hand, rivers are inserted in another logic: The topographic area where rivers are recharged is known as drainage basin (or watershed). Moreover, precipitation, which is the source of virtually all freshwater in the hydrologic cycle, falls nearly everywhere, but its distribution is highly
variable. Similarly, evaporation and transpiration return water to the atmosphere nearly everywhere, but evaporation and transpiration rates vary considerably according to climatic conditions (WINTER et al., 1998, p. 2).

Thus, water distribution, in the form of basins and aquifers, do have great variance in time and space as a result of interactions of natural (or anthropogenic) factors. As a consequence of this unequal distribution, river watersheds and aquifers are not restricted to countries borderlines.

Besides distribution and current availability, studies must also consider future availability of water due to climate change. The Intergovernmental Panel for Climate Change (IPCC) publications on climate change showed the uncertainties about the situation of water throughout the world. In 2008, a technical group of IPCC prepared a paper related to impacts of climate change on water called “Climate Change and Water”. According to this report,

by the middle of the 21st century, annual average river runoff and water availability are projected to increase as a result of climate change at high latitudes and in some wet tropical areas, and decrease over some dry regions at mid-latitudes and in the dry tropics (BATES et al., 2008, p.3).

Additionally, “water supplies stored in glaciers and snow cover are projected to decline in the course of the century” (BATES et al., 2008, p.3), affecting populations supplied by melt water from mountains—one-sixth of the world’s population. Concerning water quality, Bates also alerts that

higher water temperatures, increased precipitation intensity, and longer periods of low flows are projected to exacerbate many forms of water pollution, including sediments, nutrients, dissolved organic carbon, pathogens, pesticides, salt and thermal pollution (BATES et al., 2008, p. 43).

Concerns associated to availability and distribution of water established the concept of “virtual water”, which comprises “the volume of water used to produce a commodity” (INTERNATIONAL, 2008). In accordance to this theory, international trading system implies flows of virtual water between countries. Hence, “for water-scarce countries it can be attractive to import water-intensive products, thus relieving the pressure on the domestic water resources”. From this, virtual water can be understood as a valuable tool to assess dynamics on water demand and an alternative for countries with water scarcity.

As uncertainties about future water availability grow, dynamics of virtual water may become extremely important in states affected by climate change in the short and medium terms. If a country becomes unable to produce hydroelectricity, food or goods, it may grow to be extremely dependent on foreign water resources. This could clearly undermine the
economic sovereignty of a country, which in turn may also raise regional tensions, raising serious threats to the international security, besides the internal feature of the matter.

2.2. Human Security and Internal Security

The concept of human security comes to take the focus from the country—and defending its borders—to the human being. It involves the conditions for the wellbeing as well as access to the universal rights. The UNDP (1994) points out two main aspects of human security: “it means safety from such chronic threats as hunger, disease and repression; and it means protection from sudden and hurtful disruptions in the patterns of daily life-whether”. Thus, only a convergence of efforts towards a participatory development and sustainable human development can lead to increase human security; it is a paradigm shift that puts military tools in the background.

In order to assess threats to human security in a region, seven main dimensions shall be considered: economic security, food security, health security, environmental security, personal security, community security, political security (UNDP, 1994). Particularly concerning environmental security, water and soil pollution and maintenance of ecosystem services need to be evaluated. Consequently the water issue is clearly inserted in an environmental security as well as in a food security dimension (bearing in mind physical limitations of food production).

Considering environmental security dimension, water quantity and quality are critical factors to assess human security. Bates and others’ projections lead to a situation of water shortage in many regions:

Changes in water quantity and quality due to climate change are expected to affect food availability, stability, access and utilization. This is expected to lead to decreased food security and increased vulnerability of poor rural farmers, especially in the arid and semi-arid tropics and Asian and African mega deltas (BATES et al., 2008, p.3).

In this sense, water shortage can be understood as a lack of quality, lack of quantity (when compared to demand) or even lack of economic funds for water supply systems—known as “economic water shortage”.

In the case of water quality, “increasing levels of industrial and municipal pollution in developing regions as well as ongoing salinization of water bodies, especially in the dry lands, threaten existing supply” (WATER, n.d.). Regions where water resources are polluted require specialized treatment, increasing costs of water supply systems. Moreover, lack of basic sanitation endangers human security spreading water diseases and polluting watersheds with wastewater.
Relating to quantity, water scarcity can be measured by Falkenmark Water Stress Index that considers a situation of water scarcity less than 1000 cubic meters of water per capital per annum in a region or a country (WATER, n.d.). In arid regions, like in Middle East, water is normally unavailable and unequally distributed, posing population in risk in a bad management case. Even in regions rich in water (superficial or ground water) problems of overexploitation can dry aquifers, starting local conflicts. Generally in both situations of water shortage, conflicts “threaten to undermine human security and bring different communities into dispute” (RENNER, 2010), thus weakening internal security of a region or a country.

When considering food security dimension, water constitutes an important aspect of it. Threats to food security impose consequences of small and large scale: from human to internal security. Food production clearly depends on water availability all over the world. In a small scale, rural populations are susceptible to temporal and spatial variations of hydrological cycle, affecting food availability, undermining food security.

In a large scale, “recurring drought and floods have led to the loss of rural livelihoods and food insecurity. These desperate conditions have triggered local conflicts and migration to cities” (RENNER, 2010). These extreme conditions allied to global warming are subject of some researches on climate change impacts on agriculture. Although not conclusive, researches point out that some grain crops are already being affected by climate change (REARDON, 2011).

Consequently, migration appears as an intra-state problem, revealing a new side of water shortage issue that relates to internal security. Besides food production, Homer-Dixon apud Khagram et al. (2003) come up with two processes that can lead to large-scale problems of water scarcity: “resource capture” and “ecological marginalization”. Resource capture “occurs when the supply of a resource decreases due to either depletion or degradation and/or demand increases (…) This encourages the more powerful groups in a society to exercise more control of the scarce resource” (KHAGRAM et al., 2003, p. 295). Still, the ecological marginalization “entails the long-term migration of disadvantaged populations to ecologically fragile areas” increasing social conflicts (KHAGRAM et al., 2003, p. 295).

Internal security shall also be assessed through the risks on real conflicts within countries. Homer-Dixon (apud DESSLER, 1999) asserts that the influence of resource scarcity in conflicts is mediated by social, economic and political factors. So, in most of the cases water scarcity does not lead to conflicts directly, but indirectly.
2.3. Water and International Security

Degradation of human security effects naturally can cross borders of a nation, affecting a whole region, which undermines international security. Although international security is traditionally understood as protection of a state from military attacks, this concept has expanded in many directions, including environmental, economic and human security dimensions. Besides, the linkages between natural resources and international security have increasingly been gaining importance in international debate. Turning natural resources into a security issue brings into question the possible role of water resources on peace-keeping and peace-building in the international scene (TIGNINO, 2010).

According to Gleick (1993), “interstate conflicts are caused by many factors, including religious animosities, ideological disputes, arguments over borders and economic competition”. His study adds that conflicts are not initiated by water issues, but they can potentiate them. Increasing demand for water through human population growing, through living standards increasing and climate changes uncertainties aggravate the natural unequal distribution and scarcity of water.

In a region of water scarcity, competition for supplies can lead nations to assess water as a national security issue (GLEICK, 1993). Guslits (2011) points out that water is “crucial for human survival as well as economic stability”. Lack of water may undermine economic capability of a country, since industries and agriculture would be intensely affected. From this contentious social problems occur, weakening the economic and political power of a state. Combined with economic weakening, large-scale migrations of ecologically marginalized populations can take preponderant role in increasing tension of a region.

According to UN Water (2008, p.1) there are 263 transboundary lake and river basins and approximately 300 transboundary aquifer systems, which involves a great part of the world population. Differences between neighbor countries needs and interests can create instabilities and disputes on water resources. Competition of agriculture, hydropower, urban and industrial uses and the limitation of water quantity and quality threat economically fragile states. For example Tajikistan, in the upper Amu-Darya River (Aral Sea basin), interests in hydropower menace Uzbekistan (lower Amu-Darya River) irrigations. As well, Afghanistan (upper Amu-Darya River) can develop its hydropower potential in a future situation of stability, increasing water demand in the basin (RENNER, 2009).

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1 Due to climate change reality, climate refugees may worsen migration within ecological marginalization issue.
Analyzing a pattern on water conflicts, Gleick (2009) exposes six typical categories or types of conflicts on fresh water. They reflect how water can take part into conflicts.

- Control of Water Resources: when water supplies or access to water is at the root of apprehensions, due to potentialities of energy and water or even guarantee of good quality of water;
- military tool: when water resources, or water systems themselves, are used by a nation or state as a weapon during a military action;
- political tool: when water resources, or water systems themselves, are used by a nation, state, or non-state actor for a political goal;
- terrorism: when water resources, or water systems, are either targets or tools of violence or coercion by non-state actors;
- military target: when water resource systems (and sanitation systems) are targets of military actions by nations or states;
- development disputes: when water resources or water systems are a major source of contention and dispute in the context of economic and social development, such as competition on exploitation of aquifers.

When dealing with shared fresh water resources, one state’s act can endanger another’s environment. Thus, there are two typical situations of this interaction: transboundary basins (where the upstream country intervenes in water quantity and quality of downstream one) and shared aquifers (where one’s exploitation affects another). Water rights of downstream countries can be undermined by approaches that give absolute sovereignty or priority use (named “prior appropriation principle”) to the upstream country (APCSS, 1999). Therefore, equitable principles urge to be better assessed in order to avoid increasing tensions and degradation of diplomatic relations within basins as well as a sound management of shared aquifers.

Taking into account the adoption of equitable principles, many multilateral agreements make explicit the need for individual uses do not cause harm to water resources from another countries. In this issue, there are at least two difficulties in finding an optimal point for negotiation: the clearness of “not to cause harm” principle and the asymmetry of power within states that share water resources.

Concerning the first issue, any enterprise or use of water by a country in an aquifer will affect water availability in other countries. In other words, to measure harms to water resources is a great challenge that may raise doubts in any agreement. Further, concerning the second issue, in many river basins states divergent interests (such as hydropower and irrigation) create instabilities hard to solve due to the asymmetry of power in the region.

For example in Mekong River Basin (in the Southeast Asia) many countries depend on irrigation, fisheries and primary uses of water. Thailand (the most energy demanding state in the region) pressures the approval of hydropower dams in the basin (SNEDDON

2.4 Prevention of conflicts and cooperation

Although the complexity of water politics and conflict resolution, Mostert (2003) points out that the pathway to prevention is through cooperation:

Cooperation does not require common goals. Cooperation can also mean that the cooperating partners reach a compromise to prevent escalation, or that they jointly formulate a package deal that serves their (different) objectives as much as possible (MOSTERT, 2003).

Cooperation may be given in various ways, such as the simple exchange of hydrological and geological information, or to inform future plans and projects that cause hydrological alteration of the river basin or aquifers, known as principle of information exchange, notification and consultation. Thus the affected countries can assess the impact and viability of living with the changes. This assessment can still be together in the form of commissions (as the Mekong River Basin Commission).

Some traditional principles guide the strategies of cooperation, since the introduction of Helsinki Rules (best explained in section 3), such as:

- the theory of limited territorial sovereignty; the principle of equitable and reasonable utilization; an obligation not to cause significant harm;
- the principles of cooperation, information exchange, notification and consultation; and the peaceful settlement of disputes (RAHAMAN, 2009, p. 160).

The theory of limited territorial sovereignty is based on the freedom of using shared rivers, since this utilization does not undermine interests of co-riparian countries. The principle of equitable and reasonable utilization follows the same idea, but set many factors to be assessed in order to determine an equitable utilization. It was best founded in Helsinki Rules. Yet, the obligation not to cause harm principle works on the idea that states shall not use the watercourses in order to cause harm to other countries. And finally, the peaceful settlement of disputes principle brings the role of an independent organisation, which can arbitrate the conflict in the case of failure of negotiations (RAHAMAN, 2009).

As seen in section 2.1, due to climate change predictions water conflicts are expected to increase even more. However nowadays they have already become reality. Human security, internal security and governance and international security turn out to be main keys related to current water conflicts in the international agenda. Integrated management of international aquifers and basins urge to be deeply discussed in order to solve emerging and potential conflicts around the globe.
3. PREVIOUS INTERNATIONAL ACTION

As stated before, these principles arise along with the need for building consistent international laws on transboundary water issue. There are three main documents on this subject which should be considered: Helsinki Rules, United Nations Watercourses Convention and Berlin Rules.

Although European states subscribed some regional treaties on freedom of navigation during Industrial Revolution, two World Wars (and security concerns) restricted international uses of watercourses (SALMAN, 2007a). However, the growing need of non-navigational uses—such as dams, hydropower and irrigation—put the challenge of watercourses regulation in the second half of the 20th century. For that purpose, in 1966 the International Law Association (ILA) approved the “Helsinki Rules on the Uses of the Waters of International Rivers”, which is a document relating good principles of international uses of water, concerning drainage basins (surface and ground water). Helsinki Rules address many factors to be considered, such as:

(a) the geography of the basin, including in particular, the extent of the drainage area in the territory of each basin state; (b) the hydrology of the basin, including in particular the contribution of water by each basin state; (c) the climate affecting the basin; (d) the past utilization of the waters of the basin, including in particular, existing utilization [clearly understood as prior appropriation]; (e) the economic and social needs of each basin state; (f) the population dependent on the waters of the basin in each basin state; (g) the comparative costs of alternative means of satisfying the economic and social needs of each basin state; (h) the availability of other resources; (i) the avoidance of unnecessary waste in the utilization of waters of the basin; (j) the practicability of compensation to one or more of the co-basin states as a means of adjusting conflicts among uses; and (k) the degree to which the needs of a basin state may be satisfied, without causing substantial injury to a co-basin state (ILA, 1966 apud SALMAN, 2007).

Moreover, reasonable and equitable utilization were the main principles in this document, as well the obligation to riparian states to share information about the basin. Although Helsinki Rules are not legally binding, they were a breakthrough in international water law, inspiring many agreements and culminating in the United Nations Convention on the Law of Non-Navigational Uses of International Watercourses, also known as the UN Watercourses Convention (UN, 1997).

This Convention was the result of series of studies sponsored by the United Nations International Law Commission (ILC), based on Helsinki Rules and on judicial and arbitral decisions on international watercourses. It was conceived as a legally binding normative
instrument for the prevention on water conflicts, and it is based mainly on “equitable and reasonable utilization” and “the obligation not to cause harm” (SALMAN, 2007a). In its scope, it sets the obligation to cooperate; prior notification for planned measures; ways of protection, preservation and management of water resources; and establishes dispute settlement alternatives (UN, 1997). The Convention also stipulates that in the absence of agreement, no use of international waters has inherent priority over other uses, with special regard given to “vital human needs” in the case of conflicts (UN, 1997, article 10).

As of September 1st, 2011, only 24 countries had ratified the Convention, which is not enough for the document to enter into force, since:

The present Convention shall enter into force on the ninetieth day following the date of deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations (UN, 1997, article 36, §1).

Salman (2007b) attributes the failure of the Convention to the paradox between the “equitable and reasonable utilization” principle (articles 5 and 6) and the “obligation not to cause harm” (article 7). The author also adds that the first subjugates the latter, displeasing many lower riparian countries, whose water and other natural resources remain susceptible to damages due to projects of the upper riparian state.

Finally, the document entitled Berlin Rules, 2004, is an ILA enhancement to the rules established in Helsinki. It is based on Helsinki Rules and acquired experiences of UN Watercourses Convention. Its main objective was introducing the obligation not to harm to the same level as the equitable use of international waters principle. Moreover, the Berlin Rules proposes to appear as worldwide guidelines for national waters, as well as international ones (SALMAN, 2007a).

Based on guidelines, conventions and judicial decisions, many agreements and joint commissions have been made in order to integrate efforts and interests to promote the sound management of transboundary waters. Beyond these international multilateral agreements, bilateral and regional ones have also been traditional ways to build cooperation on the issue. Yet bilateral or regional agreements can start negotiations that may afterwards become bigger and more complete initiatives. The Mekong River Commission is an interesting example of cooperation built through a long approaching process between co-riparian countries.

3.1. Mekong River Commission (MRC)

Mekong River basin comprehends six co-riparian countries, from upstream to downstream: The People’s Republic of China, Myanmar, Thailand, Laos, Cambodia and Vietnam. The initiative of managing the Mekong River system (including its tributaries)
dates back to 1957 with the former Mekong Committee and progressed with bilateral and multilateral agreements. It culminated in the 1995 Mekong River Commission Agreement between Thailand, Laos, Cambodia and Vietnam.

At the root of the negotiations, information about the states’ plans for the river basin had to be given. Thus, open negotiations on the interests could be assessed. Phillips et al. provide the political scene in the region:

Thailand seeks cheap energy (hydropower), more water for its modernized agriculture sector, and enhanced flows in the Chao Praya Basin stretching through central parts of the country; Laos primarily wishes to realize its hydropower generating potential; Cambodia would be best served by the conservation of the current hydrological regime, including the seasonal flooding which gives rise to the huge fishery; and Vietnam wishes to construct hydropower facilities in the central highlands, as well as to protect the efficient agriculture and aquaculture production in the Delta (PHILLIPS et al., 2006, p. 96).

The contrast in the plans is clear. However, principles of reasonable and equitable utilization were adopted from the beginning of the partnership. Moreover, the Mekong River Commission endorses prevention and cessation of harmful effects and prior consultation principles as other relevant principles.

Still, MRC works along three axes: Water Utilization Program, a technical working group providing hydrological data and monitoring strategies; the Basin Development Plan, a political group that aims to plan the utilization of available water resources of the region, through projects, scenarios modeling ways for the economic growth of all MRC members; and the Environment Program, that gathers data on the ecologic system. Despite the theoretical efficiency of MRC activities, it does not cover the upper basin, namely China—a major player in the region—and Myanmar. Particularly, China is a major actor in the region and it has plans for hydropower and water supplies in the Mekong River basin. Also, the lack of commitment of the co-riparian can compromise the main activities of MRC (PHILLIPS et al., 2006).

4. BLOC POSITIONS

The European Union (EU) has some of the most advanced legislations regarding the rational use of multinational sources of fresh water. It has a specific action plan for Central Asia, recognizing the fact that fresh water is closely linked with international security, since it is a potential source of conflict (EC, 2007). Furthermore, in 1992 the Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes was signed. It was sponsored by the United Nations Economic Commission for Europe and it copes with regional freshwater issues, mainly aiming to
prevent and control pollution of multinational sources of fresh water by developing international cooperation (UN, 1992). The EU is a signatory of this convention, along with Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Italy, the Netherlands, Romania, Serbia, the United Kingdom and Ukraine. The organization

**France**, also a signatory of the Helsinki Convention, made water and sanitation an international priority, as evidenced in the 2003 G8 Summit in Evian, which holds that France’s foreign aid to this sector would be doubled. Moreover, France has supported the adoption by the UN General Assembly in July 2010 of a resolution recognizing the right to water as a human right. Still, in order to face the “growing water deficit and pollution in the Mediterranean and the growing importance of water in regional security in Central Asia”, France’s actions are being expanded, “either through technical or financial development cooperation or through diplomatic channels” (FRANCE, 2011). The country also prioritizes and welcomes initiatives in Sub-Saharan Africa, while also recognizing the importance of actions in Central Asia tackling fresh water and international security (FRANCE, 2011).

**Germany** encourages and supports cooperation processes such as the Nile Water Basin Initiative. The country offers scientific and technical support to draw the objective picture of the situation. Since 2008, the Federal Foreign Office has been using its Central Asia Water Initiative to shape cooperation in the region. The first resolution on the right to water and sanitation (Resolution 7/22) was adopted by the UN Human Rights Council in 2008, as a result of a joint initiative by Germany and Spain (GERMANY, 2011). The country has also ratified the Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes besides the UN Watercourses Convention.

**Afghanistan**, along with **India** and **Pakistan**, held the Afghanistan–India–Pakistan Triadialogue which emphasized the need to encourage and promote a high degree of interaction between the civil society organizations in the three countries. This region is expressly affected by the water issue, which has generated serious disagreement between India and Pakistan. Concerning Indus River basin, Pakistan and India already have an agreement: the Indus Water Treaty, signed in 1960. In spite of it, India projects an upstream dam—which is forbidden under the treaty—in Kashmir, further exacerbating historical territorial disputes with Pakistan. India also shares with **Bangladesh**, the Ganges river basin, whose use has been contested especially after the construction by India of the
Farakka Barrage diverting the river flow. Moreover, both share with the People's Republic of China the Brahmaputra river basin, whose flow could be negatively affected, if the latter followed its plans to build a dam on the river. However, China has assured both countries that its projects would not have significant effects on its downstream flow. Therefore, population growth, water availability and conflicting interests take part in the regional geopolitics in South Asia (RENNER, 2009; SALMAN & UPRETY, 2002).

The People's Republic of China has the water issue as a major concern. The lack of good quality water and its energy needs are aggravated by the state's relations concerning its transboundary water resources. “Already the largest producer of hydropower in the world, China plans to triple hydropower capacity by 2020” (ECONOMY, 2011). Only in Mekong River, China has four hydropower dams, which contribute to an unstable relation with co-riparian countries, especially with Myanmar, Laos, Thailand, Cambodia and Vietnam. Concerning the Mekong River Commission, currently China and Myanmar are solely its dialogue partners.

Similarly in Amu-Darya River basin, a major river in Central Asia, the competition of agriculture, hydropower, urban and industrial consumers and also the limitation of fresh water quantity and quality threaten fragile populations. Tajikistan (upper Amu-Darya) interests in hydropower menace Uzbekistan (lower Amu-Darya) irrigations. The first has the Rogun hydroelectric plant project, which makes tensions between both on the issue very recurrent (SHUSTOV, 2010). Furthermore, Afghanistan (upper Amu-Darya) could also develop its hydropower potential in the future, increasing water demand in the basin (RENNER, 2009). For that purpose, Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan and Uzbekistan have held since 1991 the Interstate Commission for Water Coordination of Central Asia, in order to approach water resources in the region as an integrate issue. Moreover, Uzbekistan is the only state that has acceded to the UN Watercourses Convention, besides having signed the Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes, which Kazakhstan is also a part of. These accords specifically affect their relations regarding the Lake Aral basin.

The Russian Federation has intentions of building new hydropower plants throughout its territory. The growing demand for energy and the need to develop Siberia and Far East regions led Putin to announce “a systematic national program to develop the region and also to encourage large-scale energy exports to Asia” (SIMONIA, 2006, p. 72). Moreover, Antonova (2009) tells that the country plans to double its hydropower

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3 The issue was taken to the UN by Bangladesh in the mid-1970s, a move which was not well received by India. In 1996 a 30-year bilateral treaty was signed between the countries, but many problems still persist, mostly in dry seasons (SALMAN & UPRETY, 2002).
production until 2020. Bilateral relations are held by Russia with Central Asian countries and Ukraine.

Jordan has most of its water resources shared with other countries. The Jordan River basin flows also through Israel, Lebanon, the Syrian Arab Republic and the West Bank. “Failure so far to develop a unified approach to managing these water resources has encouraged unilateral development by the various riparian countries” (FAO, 2008a). Currently, the Joint Jordanian-Syrian Higher Committee is discussing how to make use of the Yarmouk River basin (a sub-basin of Jordan River Basin) water and how to protect Yarmouk River water against depletion. Yet, Syrian authorities have made declarations acknowledging that the Jordan’s water resources are limited (THE JORDAN TIMES, 2008 apud FAO, 2008a). Nonetheless, Jordan, Lebanon and Syria are legally committed with the UN Watercourses Convention.

Furthermore, according to FAO (2008c) Turkey “contributes about 90 percent of the total annual flow of the Euphrates, while the remaining part originates in Syria”. Turkey guaranteed that it will allow 500 m$^3$/s water flow across the border to the Syrian Arab Republic, despite of not having any agreement about sharing Euphrates’ water. Problems regarding sharing water might arise between Turkey, the Syrian Arab Republic and Iraq because full irrigation development by the countries in the Euphrates–Tigris river basins would lead to water shortages (FAO, 1997; 2008d).

Nigeria is a member of two regional organisations dealing with the management of shared water resources: the Niger Basin Authority along with—Guinea, Côte D’Ivoire, Mali, Burkina Faso, Algeria, Benin, Niger, Chad, and Cameroon—and the Lake Chad Basin Commission—cooperating with Cameroon, the Central African Republic, Chad and Niger—, which is the oldest African intergovernmental organization to deal specifically with multinational sources of fresh water (WIRKUS & BÖGE, 2005). The first works together with non-governmental organisations, such as the World Wildlife Foundation, and its principal aim is “(…) to ensure an integrated development of the Niger Basin in all fields (…)” (UN, 1980, article 3, §1). On the other hand, the latter seeks “obliges the parties to the common use of the natural resources of the river basin.” and “projects from individual states have to be presented to the other parties on beforehand and may not have negative effects on them” (WIRKUS & BÖGE, 2005, p. 41, our translation$^4$). Since the whole region’s economy is based on agriculture, the main aspect considered on international water security is to sustainably handle irrigation and dams projects (FAO,

$^4$ The original reads as follows: “verpflichten sich die Mitglieder zur gemeinsamen Nutzung der natürlichen Ressourcen des Seebeckens. Projekte einzelner Staaten müssen den anderen Mitgliedern vorab angezeigt werden und dürfen für diese keinen negativen Auswirkungen haben”.

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Understanding beyond solutions. UFRGSMUN: beyond modelling.
2008b). As a comprehensive instrument to develop cooperation, Nigeria and Burkina Faso acceded to UN Watercourses Convention, yet has Côte D’Ivoire only signed it.

The Nile Basin States (Rwanda, Burundi, Democratic Republic of the Congo, Tanzania, Kenya, Uganda, Ethiopia, Eritrea, Sudan, South Sudan and Egypt) have taken initiatives towards achieving sustainable socio-economic development through an equitable utilization of Nile River Basin water resources. The region faces serious water scarcity, the Nile being the great source of water for human consumption, agriculture and energy. However since 1929,

Egypt has held a near-monopoly on the water, but in 2010 Burundi, Ethiopia, Kenya, Rwanda, Tanzania and Uganda signed the Entebbe Treaty—that neither Egypt nor Sudan recognize—in order to arrest that monopoly. (…) Under the terms of the treaty, Nile basin countries will no longer have to ask Egypt’s permission to undertake water diversion projects on the river (LAYLIN, 2011).

South Africa, Angola, Botswana, Mozambique, Zambia, Malawi and Namibia have signed and ratified the SADC Shared Water Course System Protocol and the Revised Protocol on Shared Water Courses that describe how the signatory parties shall utilize and develop internationally shared water resources. Beyond that, the Revised Protocol aims “to foster closer cooperation for judicious, sustainable and co-ordinated management, protection and utilisation of shared watercourses and advance the SADC agenda of regional integration and poverty alleviation” (SADC, 2000, article 2). Namibia and South Africa have also signed and ratified the UN Watercourses Convention. Intergovernmental discussions and studies are underway on the sharing of the Orange River between them as well. South Africa, Mozambique, Botswana and Zimbabwe are also trying to coordinate the sharing of Limpopo River, even though the latter has not signed the aforementioned protocols and the UN Watercourses Convention.

Brazil lies, along with Argentina, Paraguay and Uruguay, over the transboundary aquifer Guarani Aquifer System. This aquifer got attention due to its extension and stored volume of water. In 1996, an international cooperation to jointly develop it was formalized. This agreement originated a mutual long period project with the objective to support the four countries to implement technical, legal and institutional frameworks for management and preservation of the SAG. Brazil—together with Colombia, Bolivia, Ecuador, Peru, Suriname, Venezuela and Guyana—is also a part of the Amazon Cooperation Treaty Organization, which aims to promote a harmonic and integrated development with rational exploration of the Amazon River basin. Venezuela and Paraguay have signed UN Watercourses Convention.
As for **Costa Rica**, it has many problems regarding transboundary water management, especially with **Nicaragua**. This happens because the latter is currently dredging rivers which will probably affect Costa Rican fresh water sources and wetlands.

**The United States of America** helps to address water conflicts in Middle East. The state finances UNESCO and WHO programs in water and sanitation, contributing with technologies sharing (US, 2011a). Moreover, the US are growing its presence in South and Southern Asia water concerns (CHINA, 2010). Although helping to avoid water conflicts, in its border the country has a historical problem with **Mexico** about groundwater underneath the border, used for irrigation in both countries (UNDP, 2006).

5. **QUESTIONS TO PONDER**

   i. How can the availability of fresh water from multinational sources be internationally guaranteed for co-riparian countries regardless of their position relatively to the source?

   ii. What changes should be made to the UN Watercourse Convention to build a new and more successful international instrument for the management of transboundary waters?

   iii. Since high population density and growth cause great competition for the use of fresh water resources, what measures should be taken to contain multiple interests and demands, while reconciling to avoid conflicts?

   iv. What regional arrangements should serve as an example of equitable and reasonable utilization of multinational sources of fresh water with no harm caused to co-riparian countries?

   v. How to deal with ecological marginalization with respect to water availability?

   vi. How to avoid that governments and governance is impaired in states with severe water shortages?
TOPIC B: Political, infrastructural and securitarian state-building

Athos Munhoz Moreira da Silva, Julien Demeulemeester, Luíza Gimenez Cerioli, Bruno Gomes Guimarães and Luíza Leão Soares Pereira

1. HISTORICAL BACKGROUND

1.1. The Emergence of the first States

It may be considered that the first states appeared in ancient Mesopotamia as an evolution of tribal and kinship structures and based on tribal alliances (JAKOBSON & DANDAMAEV apud DANI & MOHEN, 1996). The societies of those “city-states” had product surplus enough to maintain a structure of people not directly engaged in productive labor, as administrators, warriors, priests and the intelligentsia1, needed to perform essential functions to the organization of those societies (JAKOBSON & DANDAMAEV apud DANI & MOHEN, 1996).

The evolution of human political organization from families to bands, tribes, and then states has come as an answer to an increase, not just in size, but also in complexity of societies. This demanded specialization in the functions performed in order to reproduce social life, that is, a differentiation, which is usually called in social sciences modernization (MOUZELIS, 1996).

1.2. The emergence of the Modern State

Although the state can be considered a product of ancient times, it may be more useful, in order to investigate contemporary state-building, to address the process of “Modern States” making. This process started to occur, in Europe, by the 14th century (STRAYER, 1970; TILLY, 1990).

The transition from feudalism to capitalism played an essential role, in the way working relations were changing: Serfdom gave place in great part to employment. This not just resulted in capitalistic rural activity, but was also important in the growing and multiplication of cities at that time, which were decisive for capital accumulation and concentration mainly through manufacturing and trade of goods (TIMBERLAKE, 1985; TILLY, 1990).

This new structure was mainly characterized by an increasing in the centralization of state authority, if compared to the previous period, and the presence of a professional bureaucracy, in order to aid the sovereign. In order to enforce central authority, the use of force was needed, fostering, as a consequence, the organization of national armed forces—

1 In this case, intelligentsia means the portion of society dedicated to science and thought.
substituting the traditional use of private armies—as well as police forces. The role of territory must not be disregarded as well. The new states were national, what means that they controlled multiple contiguous regions (TILLY, 1990).

Tilly (apud EVANS, RUESCHEMeyer & SKOCPOL, 1985) considers four fundamental functions of the state: war-making, or the fight against its external rivals to the territory it controls; state-making, or fighting its internal rivals; protection, or fighting the enemies of their clients (in this case, the population, specially the bourgeoisie, if a Marxist view is adopted); and extraction, or obtainment of the means to perform the other three activities, mainly through taxation. In this sense, the relation among use of force, the formation of a bureaucracy and capital accumulation is highlighted. Also, the relation among the emergence of “Modern States”, the expansion of territories and of capitalist activities cannot be ignored (ARRIGHI, 1994).

War making, extraction, and capital accumulation interacted to shape European state making. Power holders did not undertake those three momentous activities with the intention of creating national states centralized, differentiated, autonomous, extensive political organizations. Nor did they ordinarily foresee that national states would emerge from war making, extraction, and capital accumulation. Instead, the people who controlled European states and states in the making warred in order to check or overcome their competitors and thus to enjoy the advantages of power within a secure or expanding territory (TILLY apud EVANS, RUESCHEMeyer & SKOCPOL, 1985, p.172).

1.3. The “Modern State” in International Relations

1.3.1. The Westphalia System and the concept of sovereignty

The process of state-making in Europe, as already affirmed, was linked to the fight against external rivals, either to expand or to secure their territories which resulted in many wars. The most important of them came to be the Thirty Years War, which involved states, kingdoms, principalities and ducats from the whole continent, mainly Spain, the Netherlands, France and the Holy Roman Empire.

At the end of this war a series of treaties was signed, which became known as the Peace of Westphalia. This fact is widely accepted as the first attempt to establish a basic framework for international relations, and it also recognized the independence of the Swiss Confederation and of the United Provinces (the Netherlands). Although recently some scholars have been criticizing what they call a standard view of International Relations, Philpott offers us an interesting point of view:

In the wake of Westphalia states became the chief form of polity in Europe and faced no serious rival in the Holy Roman Empire — this is the heart of the claim about historical change. The United Provinces and the Swiss Confederation gained effective independence. The German states regained their “ancient rights”
against the empire and acquired the right to form alliances outside the empire. The communications between diplomats at Westphalia are laced with references to state autonomy, the equality of states, an equilibrium of states, and even an early version of collective security — all notions that are unintelligible apart from a sovereign states system (PHILPOTT, 2001, pp. 211–212).

If on one hand there has been the recognition of sovereignty of states by other states, on the other, the Peace of Westphalia brought the principle of distinction between civilian and military, and also the freedom of religious practice.

1.3.2. The Congress of Vienna

The Congress of Vienna ended the Napoleonic Wars, in the years of 1815 and 1816, and it was another attempt to regulate relations between states. Its main objective was to create a balance of power among European powers, impeding any of them to establish a domain over the others (KISSINGER, 1994). Without any doubt, it was successful in reducing the number of wars among powers in the 19th century, according to Kissinger (1994).

Even though this system still considered the principle of sovereignty, the main powers still intervened in other states. They did that either in order to maintain the balance of power—as in the Crimean War, when Russia attempted to annex part of the Ottoman Empire, and France, England and Austria reacted against it—or to maintain internal stability in some of its “members”—as when European powers intervened in the Ottoman Empire to avoid the establishment of an autonomous empire in Egypt (KISSINGER, 1994). Hence, it can be said that back then the sovereignty principle was to some extent more flexible in reality than it had been originally intended to.

1.4. International institutions and state-building
1.4.1. The League of Nations

After the failure of the Concert of Europe, beginning with the Crimean War and culminating in the First World War (WWI), the world underwent significant changes. As consequences of WWI, it is noticeable the impairment of European powers and the emergence of a new economic and political power: the United States of America. This contributed to highlight the presence of its president, Woodrow Wilson, at the Peace Conference of Versailles, his Fourteen Points, and his intention to create an international institution to mediate conflicts between states and avoid wars.

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2 The Fourteen Points of Wilson was a speech made by the president to a joint session of the American Congress in which he stated the aims of the United States by fighting WWI and the intended outcomes of the conflict.
The League of Nations was thus created in 1919, reflecting in great part the ideas of Wilson—despite the later absence of his country in the League. This new institution, in contrast to the Concert of Europe, was not restricted to European powers, since many new states emerged after having gained independence throughout the 19th century.

The idea of self-determination, fostered by Wilson, hindered the acceptance of colonialism. As a consequence, the colonial territories of Germany in Africa and in the Pacific Ocean and territories of the former Ottoman Empire (then Turkey) in the Middle East were not annexed by other powers. They were rather kept under the authority of the League and administered by other powers under the Mandates System with supervision of the organization until those territories could claim independence (POTTER, 1922; SAYRE, 1948). States with a League mandate to administer territories had the responsibility to demilitarize them and keep an “open door policy”—equality of economic and trade opportunities for all League members in those territories (POTTER, 1922; SAYRE, 1948).

1.4.2. The United Nations and the post-Second World War

The occurrence of the Second World War showed the world that the League of Nations was not able to fulfill its main objective. Accordingly, in an attempt to tackle this problem, the United Nations (UN) was founded—a more complex organization than the League. The emergence of economic and political institutions, attached to the UN, indicated the rise of a new world order.

The appearance of the United States and of the Soviet Union as the main powers of this new system marked the decline of colonial powers and fostered the processes of independence in Africa and Asia. These processes of independence added more newborn states to the organization, enlarging substantially the international system.

However, the League of Nations left a legacy to the UN, since the Mandates System was replaced by the Trusteeship System. The non-self-governing or trust territories under this system were: “a. territories now held under mandate³; b. territories which may be detached from enemy states as a result of the Second World War; and; c. territories voluntarily placed under the system by states responsible for their administration.” (UN, 1945, Art. 77).

1.4.2.1. Peace Enforcement, Peacekeeping and the United Nations

In order to maintain peace and security, the United Nations also intervenes in internal or international conflicts, under the chapters VI, VII of its charter. The articles of

³ Under the mandate of the League of Nations.
Chapter VI deal with pacific and non-coercive measures to settle potential conflicts, mainly through mediation. Chapter VII, on the other hand, addresses situation in that there is threat to peace and security and acts of aggression, provisioning coercive measures, such as economic and military sanctions and the use of force. Operations under this chapter are also called of “Peace Enforcement” or “Peacebuilding” (UNITED NATIONS, 2008). Peacekeeping Operations (PKO) have acted under Chapter VI, using force only for purposes of self-defense, although its articles do not explicitly refer to PKO, which led scholars to coin the term “Chapter VI 1/2”, considering its closeness with provisions of Chapter VII (WEILER apud MOORE JR. & PUBANTZ, 2008).

During the Cold War, the majority of measures in relation to settlement of disputes were taken under Chapter VI, since it was hard to achieve a consensus over measures under Chapter VII (DE WET, 2004). Since 1990, hence, the invocation of Chapter VII has been increased (LIPSON, 2007), as in the intervention against Iraqi attacking of Kuwait and, subsequently, in former Yugoslavia, and other missions UN have recommended engagement (DE WET, 2004).

In recent years, there has been a great worrying with weak, failing or failed states. The incapacity to maintain order, as well as to properly provide public goods such as health and education, in consonance with the concept of human security, became one of the main threats to international security. This change in the perception about security was accompanied by a change in the procedure to deal with post-conflict societies.

If UN operations were designed with limited functions as to maintain ceasefires previously, now guidelines for operations include peace consolidation as a means of conflict prevention (UN, 2008). Capacity building, construction of infrastructure, economic governance, improvement of law enforcement and of political stability are among the new goals of UN missions (UN, 2008).

2. STATEMENT OF THE ISSUE

The consequences of state frailty in the outbreak of local and international instability have put a spotlight on the importance of state-building in mitigating conflict, establishing peace, and moving towards a society that provides citizens with stability, security, efficient services, and legitimate institutions. The complexity of governance reform and institutional reconstruction in fragile states has been challenging international actors involved in this process, as the foreign donor and international development organizations. However, even though the knowledge experience base for state-building is growing, gaps in the understanding and in the practical application of it still remain. Furthermore, uncertainties
still linger over the legitimacy and over the real objectives of the state-building practices being pursued (CHANDLER, 2005).

It has become commonplace to observe that we live in a globalized world. Issues, problems, and people that once seemed distant now appear on our doorstep. Global and local dynamics interconnect, creating a world characterized by the so-called “distant proximities”. Globalizing forces penetrate down to the local level throughout a variety of pathways, while local forces scatter up to the global level. Localized political instability can engender social tensions, ethnic conflict, and disorder in fragile states. These local pressures may lead to collapse, creating negative spillovers not only for the direct neighbors of the state in question, but affecting nations and people who are geographically removed from the troubled localities (BRINKERHOFF, 2007).

Therefore, in a world of “distant proximities”, fragile or unstable states are no longer solely a matter of domestic interest, as the global network also deems them to bring negative spillovers to third parties which may be far away from the origin of the instabilities. Insofar, state-building has become a priority in international politics to achieve peace and stability. However, critics of the state-building model claim it to have characteristics of imperialism and colonialism, whereby local leaderships view the foreign donor as an oppressor attempting to impose a foreign system and culture (FRITZ & MENOCAL, 2007).

Foreign support is supposed to encourage low income or unstable states to develop, but, sometimes, the question may be polemic, especially when this assistance consists in the state-building itself. Among the many dilemmas involving it are the matter of trusting local leaders in unstable countries or not, while some raise questions about national well-being and self-determination. And, in the internal scope, a growing tension can be seen between aid donors, who generally want political liberalizations, and aid recipients, who may want to keep control over political processes (CHANDLER, 2005).

2.1. Definition of the state

Scholars have been trying to find an ultimate definition about what is a state. Among the most famous attempts are those coined by Max Weber and Charles Tilly. For Weber “a state is that human community that (successfully) lays claim to the monopoly of the legitimate use of physical violence within a certain territory” (WEBER, 1994). Tilly, by his turn, affirms that:

an organization which controls the population occupying a defined territory is a state in so far as (1) it is differentiated from other organizations operating in the same territory; (2) it is autonomous; (3) it is centralized; and (4) its divisions are formally coordinate with one another (TILLY, 1975, p. 70).
Thus, it is noticeable that both definitions stress structural and organizational aspects of the state and focus to a large extent on the importance of some kind of centralized form of authority.

However, the state is characterized not only by its internal dimensions but also by an important external dimension. Since the peace of Westphalia (1648), the state has been the central organizational structure in international relations and the concept of sovereignty has underpinned relations among states, as seen in the historical background. The principles of sovereignty, legal equality and non-interventionism were further explored in the United Nations System as it originally emerged after the Second World War. Since then, a state has been considered sovereign and autonomous at the international level once the UN recognizes it as such, regardless of whether or not it meets any of the criteria laid out by Weber or Tilly. However, this constitutes a problem when it comes to the contradiction between the domestic and the external constitutions of statehood, such as on the case of those states that possess international judicial statehood, but only very limited internal state capacity.

Lastly, in International Law, the most widely accepted definition of a state is the one presented in the Montevideo Convention on the Rights and Duties of States, which codified some customary aspects of statehood, comprising both internal and external dimensions: “The state [...] should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.” (IC, 1933, Art. 1). Besides that, in the external dimension: “States are juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure its exercise, but upon the simple fact of its existence [...].” (IC, 1933, Art. 4).

2.2. State functions and state-building

In stable contemporary states, people expect certain benefits from the state to be provided in an inclusive basis, with security, justice, enabling conditions for the pursuit of economic livelihoods, as well as public services such as education and health care. In return, they have obligations to the State to pay taxes, to accept the State’s monopoly on coercive force and to accept other restrictions to their freedom according to the law. It is the specific context and history of a given society and the experience of its people with their States, however, that will shape the levels and nature of expectations towards them, and the way social and political groups engage with them. Moreover, beyond people’s expectations, the international community also has certain expectations of how states should perform.
Although there is no general agreement upon what are exactly the state functions and their hierarchy, there is some consensus on the agenda of the minimum standards a state should provide to its society and how the reconstruction of failed states should happen upon state-building. Security—including law and order—is first priority. Afterwards, albeit in no particular order and often simultaneously, come reconstruction of legitimate political authority and economic development, including restoration of basic services (FUKUYAMA, 2004).

The UN and the international aid community have developed a set of widely accepted priorities and practices that states should perform. The role of the state may vary from facilitation to direct implementation, according to the context of a given situation. Accordingly, there are six categories of functions states should exercise while stabilizing its internal situation. They are: (1) security, (2) public administration and governance, (3) justice (rule of law), (4) economic recovery and reform, (5) political representation and accountability, and (6) post-conflict integration (CMI, 2007).

Establishing the political settlement and re-establishing security are clearly high-priority activities in fragile and post-conflict societies which are coping with the lack of security. Without security, the other governance functions cannot be fulfilled. Re-establishing security may require peacekeeping operations, often coupled with humanitarian and emergency relief, since many post-war countries have large numbers of internally displaced persons, wrecked infrastructure, and disrupted economic activity.

Thus, security is a necessary precursor to stabilization and progress toward a return to something approaching normal economic and political activity. Furthermore, the political settlement—including the restoration of a functioning and legitimate government and of constitutional rules—also lies at the core of any state-building project. According to Fritz and Menocal (2007), the state structure can be divided in three layers. The core, which is composed by the political settlement and surrounded by public administration, security through the establishment of a legitimate monopoly of violence, and the rule of law, considered the three main functions of the state. Once this basic foundation is laid out, other more output-oriented functions can be built upon it (FRITZ & MENOCAL, 2007). The second layer comprises key public goods or outputs such as justice, management of the economy, and public services such as health and education. This layer is closely linked with the society. Finally, the last layer concerns contextual factors. Among those, are state and political regime legacies, resource endowments, climatic and geographic factors, as well as geopolitics.

On the other hand, it is essential to keep in mind that all domains are closely interlinked and that their relationship is dynamic and crosscutting. Some processes across
the various domains are likely to be positively reinforcing (e.g. progress with security and successful economic management), and some may be crucially dependent on the existence of others if they are to prove meaningful or effective. Some areas within particular domains may constitute core functions and may themselves yield further outcomes. For example, security as a set of institutions is a core function of state-building, and it is also an output as a public good enjoyed by those who feel more secure (FUKUYAMA, 2004).

Security seems to have attracted the greatest attention from external actors, if compared with political settlement, which relevance has only increased substantially recently. The added criterion of democratization is also quite controversial. While democratic institutions are associated with stability and state legitimacy in the long run, the processes of democratization have historically been associated with instability. Early elections can be instrumental in establishing a legitimate postwar government, but can also have negative effects (FRITZ & MENOCAL, 2007). Notwithstanding, some argue that the state cannot maintain a legitimate monopoly of force in the absence of a democratic framework. If so, establishing democratic structures would be a requirement of state building.

2.3. State-building conceptualization and distinctions

State-building has become a major issue of concern in the international community, but it lacks conceptual clarity. There is a broad understanding that state-building, in its simplest formulation, refers to the set of actions undertaken by national and international actors to create a framework of stability and to institute, restructure and reinforce state institutions where these have been critically eroded or are missing. Therefore, key goals of state-building usually include the provision of security, the establishment of the rule of law, the effective delivery of basic goods and services to the society, and generations of political legitimacy for the new set of state institutions being built (SCHNECKENER, 2007).

State-building should not be seen as a program nor as a project; it is not only a part of a post-conflict phase, nor is it limited to peace-building or institution-building. State-building is rooted in the history of states and is an ongoing process of development and institutionalization relevant to all states. It is worked out over the long term, although attention is often focused on its short-term characteristics (FRITZ & MENOCAL, 2007). State-building is often a difficult and non-linear process in which periods of achievement may be followed by periods of set-back. Moreover, it is a process that should take place in all levels of the state-society relations.

The concept of state-building has been used by the international donor community to describe a desired (positive) process of state-building. It is important to acknowledge,
however, that in reality state-building may not be always a positive experience for populations. History of state formation and processes of state-building have included episodes of states seeking to boost their institutional capacity for the purpose of political, economic and social exclusion, often experiencing lingering situations where the population suffered with insecurity and conflict (OECD-DAC, 2008).

However, state-building, nation-building, governance and democratization should be understood as processes that may overlap in many aspects. Nevertheless, it is important to bear in mind that they are distinct. While it may not always be possible to attain an international consensus on terms, the objective should be to promote a better understanding and usage of the conceptual options and of their distinctions. Therefore, we shall hereinafter to clarify and distinguish these terms.

2.3.1. State-building and nation-building

Nation-building is the process of building a sense of common national identity, whether defined in an ethnic, cultural or political sense. Nation building can be an important part of the process of state-building and both can mutually reinforce each other. The state has historically played an instrumental role in nation-building, usually in order to create nation-states, or nations that coincide with state boundaries, both in early developed countries and in today’s developing world. Fostering at least a loose sense of a common national public space seems to be an essential component of creating effective states and an effective state-society relationship (WIMMER & SCHILLER, 2002).

2.3.2. State-building and institution-building

State-building should not be restricted to a technical process of creating government institutions or strengthening existing ones—these activities are described more precisely as institution-building. Functioning institutions not only depend on formal design, but on the social and political context within which these institutions operate, and this is where state-building comes into play.

An important distinction that has to be made is that between formal and informal institutions. Formal institutions need to be rooted in society and to be supported with legitimacy, otherwise they risk becoming mere shells and being captured by private patrimonial interests. In weak and fragile states, informal institutions are often very active and important. The challenge is generally about how to establish and strengthen more formal institutions—and to develop a supportive rather than corrosive relationship between formal and informal institutions (FRITZ & MENOCAL, 2007).
2.3.3 State-building and peace-building

Peace-building is mainly understood as the activities taken by international or national actors to prevent conflicts and to institutionalize peace. It is often an important part of the state-building dynamic, as it helps to consolidate security and political stability and to establish the foundations for trust and social reconciliation among societal groups (WIMMER & SCHILLER, 2002).

All the same, it is important not to confuse the immediate challenges of peace-building with the long-term challenges of state-building, which should evolve over generations. Therefore, peace-building should offer the background to overcome the challenges to pursue a successful state-building procedure, whose outcomes should help to build an effective and legitimate state.

2.3.4 State-building and governance

State-building and governance are closely related terms and they both share a concern about similar issues, especially on how to make institutions work better. However, state-building is usually an antecedent task. State-building is about constructing the foundations of the very government framework within which governance ought to operate; without prior constitution of this framework, governance initiatives are likely to have only limited impact. In its broadest sense, governance is concerned with the way power is exercised and the sets of rules that govern behavior in different arenas to pursue collective goals and interests. Systems of governance operate at many different levels, from the international (including multilateral organizations or supranational ones) to the locals. Thus, the state represents only one, albeit extremely important, form of the territorial organization of governance (FRITZ & MENOCAL, 2007).

2.4. Sovereignty and the Responsibility to Protect

There is no international consensus upon whom, when, how and to what extent external actors may intervene in the internal affairs of a fragile country in order to pursue state-building activities. Still, after the UN Security Council started to intervene in civil conflicts in the 1990s, recognizing them as threats to international security and peace, two major failures occurred, namely Rwanda and Kosovo, which prompted a shift of the view on the matter of interventions (WELSH, 2008; BRAGA, 2009). As a consequence, the principle of the Responsibility to Protect (R2P) emerged; it was acknowledged in the 2005 World Summit of the UN General Assembly (UNGA, 2005), and further reaffirmed by the UN Security Council in two operative clauses of resolution 1674 on protection of civilians in armed conflicts in 2006 (UNSC, 2006). R2P affirms that sovereignty not only brings to
the State equality among other states and the respect of its sovereign rights by others, but also incurs the responsibility of protecting civilians in its own territory (EVANS & SAHNOUN, 2002). Therefore, sovereignty, according to this principle, comes together with accountability in two distinct spheres, namely the international and internal one: to the population and to the international community.

The main challenge in the coining of this principle was to tackle the issue of genocide, mass murder, ethnic cleansing and other massive human rights violations. Hence, R2P also states that whenever a state is unwilling or unable to protect civilians from these calamities, the international community would have the duty of protecting them (EVANS & SAHNOUN, 2002; BASTOS, 2009). Then the principle of non-intervention in internal affairs would give space to the international responsibility to protect. In addition, Penna Filho (2004) even verifies that the “sacred principle of national sovereignty” was in effect broken, meaning that a new paradigm emerged: the intervention in internal conflicts, when they are the cause of widespread humanitarian and human rights violations and of systematic atrocities against the civilian populations.

As a result, fragile states would fall into the category of states that are unable to protect their own civilians. This would further mean that the international community has the duty to fulfill the obligations or responsibilities of these states. Accordingly, state-building actions coordinated by external actors (other countries, coalitions and organizations) would be in place. Chandler (2005), however, notices that this conception of sovereignty as a capacity (the capacity of protecting the civilian populations) instead of a right to self-government and international legal equality would fashion a hierarchy of sovereignty, meaning that some states could be considered more sovereign, e.g. more capable, than others. Thus, it would weaken the principle of sovereign equality of the UN Charter (CHANDLER, 2005).

Accordingly, Robert Jackson (1990) introduced the concept of “quasi-states”, in order to classify those countries with what he considers to be an artificial sovereignty. These are fragile countries that are under the influence of other states and do not have the capacity to regulate and control their societies and internal affairs. Therefore, according to Jackson’s approach, these states possess de jure sovereignty, the formal international legal rights, but lack de facto sovereignty, the capacity to govern domestically.

Nonetheless, external interventions for the purposes of state-building could enhance the target state’s sovereignty and independence in the long run, because it indeed focuses on capacity building. Yet, there are fears that it could also undermine the right of self-government through the intrusion of external powers or even the United Nations. Beyond that, it presumably means that sovereignty (as a capacity) can be weakened too. This would
further undermine the legal aspect of it. Moreover, the responsibilities that are incurred to a sovereign state would not consist of a decision made solely by its population or by its representatives, but in partnership with the international community. Through this, sovereignty is not a barrier to external interference, but a medium through which the states are integrated in external regulation networks (CHANDLER, 2005). These networks would, however, be legitimate, provided that international institutions, chiefly the United Nations, decide what these responsibilities are comprised of. This way, state-building operations would involve states being firmly set in international institutional frameworks. The problem remaining is that the fragile states have little influence over their decision-making processes (CHANDLER, 2005).

2.5. Roles of internal and external actors

2.5.1. Relevance of internal actors

Even though external actors have become increasingly involved in contemporary state-building, it is essential to stress that such efforts will remain limited in their transformative capacity unless they can build on a considerable base of internal support and whereby key domestic actors are committed. As Chesterman, Ignatieff and Thakur argue, “states cannot be made to work from the outside” (CHESTERMAN, IGNATIEFF & THAKUR, 2005, p. 9).

Insofar, without significant participation by key stakeholders and strong internal political leadership in the state-building process, state-building efforts may more difficulty to be considered legitimate and to be sustainable over the long term (BRINKERHOFF, 2007). In other words, donors must bear in mind the relevance of domestic actors, so that the efforts in state-building procedures may be carried in a legitimate and sustainable way.

2.5.2. External actors

Since the 1990s, there has been sustained international engagement with state-building efforts, especially in post-conflict and fragile settings. A wide diversity of external actors is involved. These include bilateral and multilateral donors, international non-governmental organizations, humanitarian organizations, and military and diplomatic actors.

Given the relevance of internal actors emphasized above, the potential for external state-building policies to establish well-functioning states is likely to be more limited if suitable domestic leaders cannot be identified. However, external influence and impact, both positive and negative, can still be quite substantial. International actors should, therefore, focus on minimizing unintentional harm and on facilitating domestic processes,
providing resources and creating the space for domestic actors to start engaging with difficult challenges of building strong resilient institutions in the long term. The broad array of actors engaged in state-building efforts implies *inter alia* a scale of coordination, harmonization, and alignment challenges that is even more substantial than in developing countries with established states (BRINKERHOFF, 2007).

2.6. State-building and self-determination

Ideally, self-determination is understood to represent the right of the peoples to freely determine their own political status and to freely pursue their economic, social and cultural development. The attempts to develop multinational states have been blamed for the failure of state-building processes, because one group often monopolizes the State and may try to impose its values, views, culture and language to the rest of the society.

In this sense, democracy may be considered to not have achieved a satisfactory level in many African countries after state-building practices because they adopted political institutions that did not recognize and accommodate different groups existing in the countries. As a result, many countries witnessed violent conflicts, coups or eventual breakdown of their fledgling democracies (FRITZ & MENOCAL, 2007). On the other hand, some scholars have criticized the effects of power-sharing agreements as, instead of contributing to political settlement, in practice, they foster the use of force by non-state actors in order to increase their political power (TULL & MEHLER, 2005; LEMARCHAND, 2007).

2.7. State-building and legitimacy

Legitimacy aids the process of state-building, and is reinforced as state-building delivers benefits for people. The state’s ability to manage state-society expectations and state-building processes is influenced by the degree of legitimacy it has in the eyes of its population. As such, legitimacy is both a means and an end for successful state-building. However, legitimacy has various domestic and international forms and sources that vary according to context and may not necessarily coincide with a particular model of democratic legitimacy or other kind of public administration (OECD, 2008).

On the other hand, legitimacy is a very complex concept which includes many different dimensions and it can, therefore, be very difficult to measure empirically. States have relied on a combination of one or more methods to establish their legitimacy and authority over those they rule. Some of the most common ways of establishing and sustaining legitimacy over time include one or more of the following: provision of public
goods and services, economic performance, ideology or nationalism, populism, liberal democratic representation.

However, legitimacy based on democratic processes and accountability can be extremely difficult to achieve, especially in early phases of state-building where democratic political as well as state institutions may be weak and/or malfunctioning. At times, a population may come to prefer order and performance over the perceived disorder that can accompany processes of state-building with simultaneous democratization (FRITZ & MENOCAL, 2007). Therefore, according to this point of view, creating accountability, combating corruption, delivering services, demonstrating the government willingness and capacity to respond to citizens’ needs and demands may prove useful in order to reconstitute legitimacy.

2.8. Viability of the model being pursued

Perhaps the most overarching test that the international community confronts in contemporary state-building efforts relates to the viability of the model being pursued by the countries while delivering aid. According to Fritz and Menocal (2007), the overall development model adopted over the past two decades, especially in post-conflict and other fragile settings, relies on the simultaneous pursuit of three main objectives:

- **Political liberalization and the promotion of democracy**: elections; promotion of basic fundamental rights; an inclusive and participatory constitution-making process; and initiatives to strengthen civil society organizations and the media as watchdogs and potential counterweights to the government.

- **Economic liberalization towards a market-based economy**: structural adjustment and the concomitant reduction of the State; promotion of macroeconomic stability; opening-up to trade and foreign investment; and privatization.

- **State capacity-building**, which includes creating and strengthening more effective, accountable and responsive institutions.

The challenge lies, however, in how to get there. Until very recently, the international community seems to have relied on over-optimistic assumptions about the inherently beneficial effects of moving toward democratization and market-oriented reforms while building state capacity and strong government institutions at the same time. But, the promotion of these processes simultaneously is not a trajectory that has historically been followed.

Historical cases of states that have been democratic since the moment they were founded are exceptional. State-building efforts have historically been top-down, heavily driven and controlled by national elites. Civil society has at best played a very weak or
limited role (LEFTWICH, 1995). Democratization, when it has happened, has taken place only afterwards. Above all, it is essential to understand that dynamics in the three arenas may not always be mutually complementary and that that the model may hold significant tensions and set unrealistic expectations that can prove to be overwhelming, especially in fragile contexts.

This historical sequencing is not entirely coincidental, given that democratization and state-building often push in opposite directions. State-building calls for considerable concentration of power, authority, autonomy and competence in state political and bureaucratic institutions. Democratization, on the other hand, has an inherent tendency to disperse power and slow down decision-making processes through the creation of multiple veto players and checks and balances. In short, while state-building focuses on creating more effective and capable states, democratic structures are intended to keep the state under check (FRITZ; MENOCAL, 2007).

Moreover, there is also a problem with the simultaneous pursuit of democratization and market-oriented reforms. In the developing world, democratization and market liberalization have often been undertaken in parallel. This was especially true during the 1990s: With the collapse of the Berlin Wall a large number of countries characterized by authoritarian regimes and closed economic systems underwent a transformation towards greater democracy and economic openness (BRINKERHOFF, 2007). However, the mix of these two processes has not always been mutually reinforcing, and has often resulted in some kind of democratic deficit.

In addition, the clear international steer in favor of market-friendly economic reforms, such as the simultaneous pursuit of state-building and market-oriented reforms, also tends to limit the range of economic and social policies state leaders may be able to pursue and therefore reduces the space available for democratic decision-making. International financial institutions, especially the International Monetary Fund, are committed to promoting macroeconomic stability and open-market economies, including in fragile and post-conflict states. They advocate inflation and deficit reduction; international economic integration; improved tax collection systems and budgetary management; market liberalization; and privatization (PARIS, 2006).

2.9. Challenges to State-building Processes

The establishment and strengthening of government institutions still remains an enormous challenge, both conceptually and in practice—not only in fragile but also in more stable developing settings as well. In addition, there are clear limits to the resources—
financial, human and diplomatic— that donor countries are willing and able to mobilize to engage in state-building practices (FRITZ & MENOCAL, 2007).

2.9.1. Political economy challenges

There are some political economy issues that undermine state-building efforts more broadly. International as well as domestic actors need to consider the challenges posed by a poorly governed state, marked by high levels of corruption, dense patronage networks and weak checks and balances.

The configuration of patronage networks will also affect state-building efforts in important ways. How to include and balance these networks constitutes a central aspect of managing political stability in a state-building situation. However, to the degree possible, it seems crucial to constrain the power of informal networks, in order to ensure that the cohesion of the state is not lost as result of politicking and power struggles among different strongmen or warlords, and to preserve the key principles of building a modern state (FRITZ & MENOCAL, 2007).

2.9.2. Knowledge gaps

There is a lack of systematic knowledge about “what works” in state-building. There is also a lack of a clearly defined consensus with regards to a number of issues in public sector reforms as well as other change and capacity-building processes essential for successful state-building. This presents a considerable problem for the international donor community when engaging in state-building. Insufficient knowledge seems to pervade such efforts: There is remarkably little sharing of state-building experiences across countries and among donors, which means that practices are constantly being reinvented in different individual settings and that comparative lessons are not being learned.

Reviews of governance, for example, have shown a few gaps between headquarter policies and actual programs on the ground. On the other hand, part of the problem identified with knowledge gaps may stem not from a lack of knowledge as such but rather from a lack of assimilating lessons learned into donor policies and practice. Some key lessons have emerged over and over again but have yet to be reflected in donor activities. For example, the problems embedded in donors’ short-term horizons and the need to develop a more long-term approach to development concerns in general and state-building efforts in particular is not a particularly new insight (BRINKERHOFF, 2007).
2.9.3. External coordination

The starting point for this analysis is to recognize that the international state-building machinery is, at present, a loosely structured network of national governments and international governmental and non-governmental agencies. Despite ongoing efforts on the coordination front, it still remains without a question a considerable problem besetting state-building efforts in post-conflict and other fragile states. In most international aid practices, there are many different kinds of external actors involved—military, diplomatic, humanitarian and developmental. Coordination problems are evident not only among these different sets of actors, but also within them. Thus, there are too many external actors on the ground pursuing a variety of agendas and goals that can often be at cross-purposes (PARIS, 2006).

In fact, problems of coordination exist in all inter-related levels involved in state-building: first, at the field level, between the various international involved in statebuilding missions and domestic actors within the country itself, including government authorities; second, within the bureaucracies of the major donor governments, whose different departments and agencies often pursued different goals and activities within the same mission; third, within the UN system, where bureaucratic procedures are complicated; and fourth, at the headquarters-level between all the major international state-building actors as well as the major governments supporting these actors. In substantive terms, coordination involved bringing greater coherence to political, security, rule of law, human rights and development activities of state-builders at all of these levels (PARIS, 2006).

3. PREVIOUS INTERNATIONAL ACTION

3.1. The United Nations

Part of the experience of United Nations with state-building comes from its action through peacekeeping operations, which initially had the goals of enforcing or maintaining peace. It has, however, undergone changes from its previous character, and now also works so as to prevent future conflicts, create post-conflict recovery, reconstruct and rebuild institutions and promote an environment of sustainable development through the aforementioned missions.

By the 1990s, the UN Security Council was increasingly willing to intervene in internal conflicts and in complex humanitarian situations (LIPSON, 2007; WELSH, 2008). In that sense, it is observable that the UN began to provide humanitarian and technical assistance and administrative support not only in regarding civilian-related matters, but also mediate political and military situations. Experts describe that the UN has to always be
careful in applying pre-existent models of state-building, as different places in need of this policies should have their local characteristics respected in order to attain an effective built of institutions: This is both time-consuming and complex (INTERNATIONAL PEACE ACADEMY, 2003). The ideology of state-building is also criticized: The model taken by the UN in state-building is mostly the liberal democracy, which can be somehow challenged by those who advocate for a more local form of organizing the State according to its particularities (INTERNATIONAL PEACE ACADEMY, 2003).

One of the appointed situations of UN action in a post-conflict situation in order to promote state-building was post-apartheid South Africa. The literature appoints that a new and non-racial, inclusive regime was achieved through patient process of peace-building (BRAHIMI & LAKHDAR, 2007), what is one of the characteristics that writers appoint to when describing what an effective process of the sort should be.

Another fundamental mission led by the UN was the peacekeeping mission in Bosnia. The mission was named UNPROFOR, and was to stimulate peace-talks and protect the civilian population in the region. Its hastiness towards political independence and elections, however, was considered as one of the reasons for the rise to power of the political group that led massive ethnic cleansing and genocide in the region (INTERNATIONAL PEACE ACADEMY, 2003). Given the horrors committed towards ethnic minorities in the region and the impossibility of action by the mission given its mandate, NATO started its famous bombing campaign in 1995 in one of the only widely recognized acts of humanitarian intervention.

The conflict in the aforementioned region was also the trigger to the establishment of a peacekeeping mission in Kosovo, a region of Serbia. The Federal Republic of Yugoslavia and the Kosovo Liberation Army fought daily, and, in 1999, in spite of being a NATO mission, the KFOR was created through the authorization of UNSC Res 1244. Its actions are polemic, given that many consider KFOR to be one of the supporters of the secessionist movement that led to the unilateral declaration of independence by Kosovo. The region is nowadays assisted by the UNMIK, which is an example of a very thorough mission, built on humanitarian assistance (now phased out due to the discontinuance of its need), civil administration (held by the UN), democratization and institution building (led by the OSCE), and reconstruction and economic development (managed by the EU).

The matter of Timor-Leste and their struggle for independence from Indonesia also led to the absolute wreckage of the region. All infrastructure, let alone institutions, was destroyed during this late-90s conflict. The UN, given its lack of resources, sponsored a mission known as INTERFET through UNSCRes 1264 (1999), led by Australia. The mission was appointed as successful, as it helped reach peace and begin an actual peace-
building process within Timor-Leste. In order to crystallize institutions, the actual UN took over administration of the region—holding sovereign powers temporarily—, through UNTAET, that helped in making the drafting of a constitution and the elections possible (CHESTERMAN, 2009). It was then replaced by another peacekeeping mission, UNMIS. The UN attempted to change its presence in the region, being more focused in support of already set institutions, and established UNOTIL, but, as violence broke out again given the weaknesses of local police and army in subsequent occasions, once more it had to take a more assertive approach. UNMIT has replaced UNOTIL, and once again it had its mandate renewed until 2012 by UNSCRes 1704.

Finally, the best current example of state-building is the MINUSTAH mission, in Haiti. As building a strong state one of the major roles of UN, on April 2004, the UNSC adopted resolution 1547, requesting the establishment of the UN Stabilization Mission in Haiti (MINUSTAH), but it took until February 2005 for the mission to be fully strengthened. It comprises several groups working together, international and local civilian staff, UN volunteers, troops and police officers. It helped with the 2006 elections: Electoral assistance became the bulk of UNDP’s program in Haiti this period. It has also acted in several other areas, such as human rights and security, which show the tendency of UN policies on state-building is to be as comprehensive as possible. MINUSTAH has made a decisive contribution, together with the Haitian National Police, to decline criminal activities. The mission found that the MINUSTAH violence reduction program continues to play a valuable role in providing advice to the national commission on disarmament, dismantlement and reinsertion, focusing on key areas of the country affected by violence. This effort made by the UN was perhaps its most comprehensive; the one that stretched the boundaries of peacekeeping to areas related to more than peace, but also to human rights and democracy, but its success is still very debatable (LEININGER, 2006).

An expert chosen by the UN to make a report on state building in 2007, Lakhdar Brahimi, appoint mainly four key activities in state-building today, which are the drafting of a constitution, promoting electoral processes, reintegrating and reconciling distinct conflicting groups and maintaining/upholding the rule of law. According to his report, one of the problems of state-building and UN-led peacekeeping missions are lack of resorts, but the main one is the problem of creating parallel institutions that actually diminish the authority of the ones that are being construed locally.

3.2. The African Union

The African Union has been making increasing efforts to become a main actor in questions of conflict resolution, crisis management, peace-keeping and state-building in the
continent, nonetheless, it often may still lack efficiency in the matter of state-building. That is due to the fact that it is a harder task that demands high military, financial and coercion capacity, and, therefore many of the final decisions of the organization go in accordance with the United Nations. Alongside all the political challenges facing peace support initiatives in Africa there are, in most cases, important geographical and logistical challenges given the magnitude of the continent and the AU’s members lack infrastructure to support activities in distant areas. In this line of thought, it is understandable why multifaceted forces, international and regional ones, often have positive outcomes when working together in peacekeeping and state-building missions.

3.3. North Atlantic Treaty Organization (NATO)

The North Atlantic Treaty Organization has taken an active part in peacekeeping missions with state-building features since 1994 in Bosnia. Since it is a military alliance, the organization focuses more on securitarian aspects of state-building. NATO is providing assistance to the AU Mission in Somalia, especially in supporting capacity-building to its long-term peacekeeping matters; from 2005 to 2007, NATO also worked together with AU in Sudan. From 2005 to 2007, NATO, together with the African Union, expanded actions of peacekeeping in Darfur by providing airlift, transport and training assistance, also providing strategic tactics for the rotation of troops.

NATO is also involved in military interventions and in its aftermath issues, providing means for state-building and peacekeeping. Together with the international community, NATO is working in order to build a functional and democratic state where armed conflicts had been settled or where the governments are considered weak or incapable of fulfilling the nation’s needs. Thus, NATO, after the post-1990 era, focused its efforts in local and regional wars and in their aftermath situations, known as crucial matters of internal and international security and stability.

In the 1990s, NATO’s first major action was in the Balkans, coordinating governments to monopolize the weapons and its storages and to control violence. After the war, Bosnia and Herzegovina was still lacking adequate military legislation and had serious problems with privately owned small guns and mines. Moreover, private—and even international—security companies were taking palace over the issue of intelligence and logistic, that should be a State’s matter. Thus, NATO worked progressively to aid the Balkan States to solve questions of border demarcation, minority protection and rule of law. The biggest success concerning the politics of state-building in the Balkans for NATO seems to have been its role in the democratic transformation of the armies of the post-Yugoslav states. NATO’s politics of enlargement initiated the transformation of the
region’s militaries from actors of ethnic violence towards modern, democratic armies, which some consider to be an ongoing and largely successful process. Moreover, Russia has been working together with NATO, playing an important role in process of peacekeeping and state-building, based on the concept of collective defense (WEBBER, 2008).

3.4. Other organizations and the emergence of the importance of state-building

The OECD, as the organization that comprises the g7+ and international partners, has also been working on the substantial development of the matters related to state-building by creating the International Dialogue on Peace-building and State-building. Its last contribution to the matter was the 2011 Monrovia Map on Peace-building and State-Building, by which the G7+, gathered with Afghanistan, Burundi, Central African Republic, Chad, Côte d’Ivoire, the Democratic Republic of the Congo, Haiti, Liberia, Nepal, the Solomon Islands, Sierra Leone, Southern Sudan and Timor-Leste, try to reach solutions on state fragility (OECD, 2011). The OECD has also promoted the Dili Declaration of 2010, where the organization shows its grave concern towards the vulnerability of states as a menace to the possibility of achievement of the Millenium Development Goals (DILI, 2010).

The World Bank (WB), as it also has as one of its concerns matters related to development, has in that sense contributed to the issue of state-building: important features related directly to matters of state-building are contained in its ‘Fragile and conflict-affected situations’. The focus of the WB lies primarily within the sphere of infrastructure construction: roads, bridges, hydropower plants and others.

Given the range of both the aforementioned organizations, their approaches are naturally much less related to security per se and much more focused on development and economic factors. It is unsurprising that their take on state-building tends to be leaned towards its last mentioned feature. Their concerns are with the elimination of poverty and with the promotion of better standards of living as well as other matters related to human security make their reports very important in tackling other areas of this problem, which highlights its complexity.

3.5. The problems of Afghanistan and the War on Terror’s impacts on State-building

Since the US (and allies) intervention in Afghanistan, a range of national, regional and international actors have been greatly involved in efforts to bring possible stability to the region. The Afghanistan Compact, signed in 2006, serves as a framework for

4 The United States of America, the United Kingdom, Japan, Germany, France, Italy and Canada.
cooperation between Afghanistan and the international community in achieving a successful process of state-building. The deterioration of a security environment and the lack of state authority in the country generate a need for a clear and coordinated policy for reconstruction and development in Afghanistan. Acting with close coordination with local government and with UN’s representatives, the program finds progress in their development efforts in Afghanistan, looking forward to a settlement of a strong, democratic and stable government (ADAMS, 2009).

According to Chesterman (2009), indeed the war on terror has been significantly challenging of the state-building prior to 2001. The author states that there is a justification in intervention by the replacement of institutions through the somewhat forced implementation of preexistent models by the most powerful actors (the United States, more specifically). They would judge the pre-existing framework of the countries at stake as insufficient or unfit, which would authorize their forcible actions. One could say that, in a way, this shows how the view on state-building can become blurred with political impositions.

4. BLOC POSITIONS

Recently most of the European Union’s state-building practices encompass strategies through the so called “co-production” of sovereignty for effectively achieving reconstruction, development and stabilization on target countries. According to this ideology, there should be partnerships between aiding countries and the target countries’ domestic governance, thus engaging their domestic policy-making. They defend such an approach has both pedagogical and political benefits to the target states. International institutions could play a key role in the process (CHANDLER, 2005). The organization has also been a major actor in the international state-building of Bosnia and Herzegovina.

Bosnia and Herzegovina stresses the importance of such processes being conducted by international and regional organizations, each complementing the framework of the other. For the country, implementation of securitarian and political measures is fundamental in state-building strategies, mainly through the establishment of democracy and capacity-building of local police forces. Croatia also shares this stance.

Presently, Germany and Japan are two of the most engaged countries in international state-building activities, since both successfully experienced such practices in the aftermath of the Second World War. Having learnt from their experiences, both countries have long-term commitments towards state-building, especially through the
United Nations and other regional organizations. Germany is an active actor in Bosnia and Herzegovina, Kosovo, Afghanistan and Lebanon, where it focuses on stabilization and civil society while strengthening the states (SCHNECKENER, 2007). In 2011, it also started engaging state-building activities in South Sudan. Some of the German guidelines for state-building lie in financial issues—with the assistance of international finance institutions, such as the World Bank and the International Monetary Fund—and the prevention of violence (GERMANY, 2010). On the other hand, Japan is committed to the state-building in Cambodia and Afghanistan, where it focuses on the civil society and the rule of law. The country also reaffirms the importance of the international community in legitimizing international state-building practices.

The United Kingdom claims the concept that state-building should be addressed through international partnerships, in order to enhance governance capacities and increasingly replace third party external pressures. Therefore, the core solution would lie on the shared responsibilities of national-states and international institutions (CHANDLER, 2005). Similarly, France recognizes that international aid towards state-building does not appropriately reach the recipients, because of the fragility of target states. Therefore, the country holds that an integrated and participatory strategy with the international community must be taken by host states. France also particularly stresses the importance of reforming security and justice systems in state-building.

As for Australia, it is a vehement advocate of the principle of responsibility to protect. Likewise, it also has a major focus on human rights and political measures within state-building frameworks. Australia currently leads such operations—bilaterally, regionally and through the United Nations—in Timor-Leste and the Solomon Islands, besides assisting in Iraq and Afghanistan. Similarly, Canada plays a significant role in international state-building activities. The country centers its approach in several realms, ranging from military and police dimensions to the civil society: security system reform, building of infrastructure, whole of government engagement, rule of law, political stabilization through inclusion and gender equality. Canada also draws attention to the coordination of international efforts at state-building, since the capacity of fragile states to use aid in an effective manner is weak (CANADA, 2005).

The Russian Federation views state-building as a process of helping fragile states in the process of institutionalization, creating better relations with its society and creating legitimate authority. Hence, the intervention would not represent a kind of external coercion, but an internal matter of administrative assistance for good governance and for institutional capacity building. The country also deems that international intrusion in domestic affairs is counterproductive in the long-term. For Russia, UN missions should
not only focus on short-term alleviating measures, but also medium- and long-term political assistance whenever the target states acquiesce to it. Finally, the Russian government believes that regional organizations—such as the Shanghai Cooperation Organization and the Collective Security Treaty Organization—should play a greater role in guaranteeing the efficacy of state-building activities.

The United States of America believes that state-building practices should be often on strengthening sovereignty of the target country by entailing a more interventionist role, either done by national governments or by external institutions. However, the state-building strategies should nevertheless be led upon the alignment of internal and external stake-holders. In order to design and to implement these strategies, the operation should be reoriented towards a model where partnership and co-production of sovereignty becomes the aim of both national leaders and international partners. Therefore, the influence of external actors would not be conceived as a “strong external force”, but as “part of the state itself”, through direct involvement in policy-making committees (WEBER, 2008).

In Iraq, the problem of the legality of the US intervention led to severe issues regarding its state-building (INTERNATIONAL PEACE ACADEMY, 2003), and the election process and other facets of building political institutions is at least fragile. The US is still maintaining a significant number of soldiers there, and the situation continues to be problematic due to issues such as the rejection by the locals. Initial securitarian strategies concerning state-building put in place by the US brought about not much success.

As for the Syrian Arab Republic, it deems that international practices of state-building should occur only with the acquiescence of the host country. Differently, Israel’s major concerns regarding state-building lie within the political scope, especially in Lebanon, where Hezbollah\(^5\) has built a parallel quasi-state structure (DAVIS, 2007). According to the country, even though it defends democratic values in state-building strategies, no armed opposition groups should have a voice in the establishment of state-building activities while not abdicating the use of arms. Moreover, for Israel international securitarian strategies should consider neutrality as long as they do not end up protecting illegitimate armed opposition groups.

Brazil sees state-building as an activity undertaken attempting to build (or rebuild) the institutions of a weaker, post-conflict or failing state. For the country national leadership and accountability is centrally important in processes of internationally guided state-building. Political stabilization, the rule of law, rebuilding institutions, effective implementation of anti-corruption policies and government accountability are among its

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\(^5\) Hezbollah is a Shiite Muslim fundamentalist Islamic militant group and political party in Lebanon. It is supposedly sponsored by the Syrian and Iranian governments. Some states classify it as a terrorist organization (DAVIS, 2007).
main goals. Besides being a participant in the International Dialogue for Peacebuilding and Statebuilding, Brazil has been playing an active role in state-building projects in Haiti since 2004, along with MINUSTAH, the UN peace-keeping mission in Haiti.

Accordingly, Argentina, Bolivia, Chile, Ecuador, Paraguay, Peru and Uruguay besides Brazil are South American countries which militarily contribute to MINUSTAH. They put their state-building emphases in the securitarian realm, asserting, however, that this strategy must be chiefly sought with the consent of host governments. Chile particularly defends democratization measures as a means of international state-building by increasing its legitimacy. Mexico, although not denying the importance of securitarian and infrastructural state-building measures, shares the same view as Chile concerning democratization; it holds that for actual success of state-building operations, democratic political participation is a *sine qua non* condition, since it enhances their legitimacy.

Haiti itself being a target country of international state-building efforts poses many challenges. After the earthquake in 2010, most part of the infrastructure of the country was lost, therefore, it is an aspect of state-building highly emphasized by Haiti. Beyond that, it also remembers that international actors and donors should develop long-term strategies, since short-lived attempts at state-building may thus fail. Therefore, the country recognizes responsibilities which external bodies have while implementing state-building. Critical areas for it, in the view of the country, lie within infrastructure, security, education and health care through the strengthening of government institutions (CRANE et al., 2010).

Differently, Costa Rica, which was also subject to state-building, claims that it is highly important for external actors to give room of manoeuvre for the local elites in such operations. Despite the fact that the first are indeed very significant—particularly in the financial aspect—, it is the latter that actually implement them and make them last. For the Costa Rican government, an institutional coordination, including external and domestic actors, is vital for the coherence of state-building (MORALES-GAMBOA & BARANYI, 2005).

The African Union is making efforts to become a key player in the continent regarding matters of state-building. Building all African countries into functioning states is one of the main priorities for its members. However, the African Union still lacks efficiency and experience in state-building. Hence, the African Union often has to rely on the United Nations for it. The language that many African countries pose on what regards to state-building is that of a partnership not based on inequality and hierarchy, but on mutual respect and solidarity (FLEMMING, 2006).

Nigeria acknowledges the importance of state-building in post-conflict situations, but believes that they should be dealt with especially through the mechanisms provided in
regional organizations, although also recognizing the need for UN features. Regarding the problems of state-building in Afghanistan, Nigeria also considers it a grave issue and supports actions undertaken by the UN in that sense.

Furthermore, Sudan asserts that the imposition of state-building strategies by external actors is an option to be firmly discarded. For the country, it should only be considered at and by the United Nations as last resort, provided that there is some assent by the target country. They also stress the importance of a donor alignment to government-guided national plans for state-building, so as to better coordinate actions and to avoid overlapping of plans made by donors.

As for South Africa, it also considers state-building fundamental in risk areas. It, nonetheless, recalls for the importance of the “ownership” of the state that is being built of its own institutions—a view that comes from South African experience, given that it was itself submitted to a state-building process in the era post-Apartheid. It strongly encourages the participation of other states in the process, and believes the African Union should play a leading part when dealing with matters related to state-building and the Continent.

The group of g7+ most fragile countries—Afghanistan, Burundi, the Central African Republic, Chad, Côte d’Ivoire, the Democratic Republic of the Congo, Ethiopia, Guinea-Bissau, Liberia, Sierra Leone, Somalia, South Sudan, Timor-Leste, Haiti and others—, several of which currently experiencing international peace- and state-building efforts, together recognize the need for a shift in global policies regarding state-building, especially to change the approach of international actors, reinforcing that the concerns of target countries should be more carefully addressed by aiding states and institutions. Moreover, in its statement of April 2010, the group reaffirmed the importance of fragile states taking the leadership on state-building strategies and asked for long-term commitment from the donors or “development partners” (DILI, 2010, Annex). Their focus relies on governance, economic, human and social development, and security. While recognizing that international assistance is of paramount importance, they ask for untying restraints and flexibility from external actors in order to establish long-term planning (DILI, 2010, Annex). Cambodia shares this view, even if putting greater emphasis on infrastructural aspects of state-building, such as the construction of roads and bridges.

The Republic of Korea, Uzbekistan, Kyrgyzstan and Kazakhstan also consider that infrastructural aspects of state-building are of greatest importance, especially those which connect isolated regions with national hubs and neighboring countries. They also stress that combating crimes such as illicit drug-trafficking should be tackled within state-building measures. For them, coercive methods of state-building are only the last resort.
Conversely, many Asian countries, such as Vietnam, affirm that state-building involves the target states being firmly embedded in international institutional frameworks, over whose decision making processes they have little influence. Therefore, they would be in a poor position to resist to international mechanisms of regulation imposed by the aiding countries. Myanmar, Venezuela and Cuba have similar positions, being against any sort of interference from external powers in state-building processes. For both, imposing conditions and parameters is not an adequate way of conducting them.

On the other hand, Indonesia acknowledges the fact that international state-building is crucial for the maintenance of world peace and security, let alone regional. Yet, it states that external and internal actors must act in consonance, otherwise attempts at state-building may easily be unproductive. A broad based political integration of the civil society should be sought while strengthening state institutions in the long run, whereas military and police actions are deemed useful for the short-term.

For the People’s Republic of China the process of state-building should not be coercive, meaning that target states should not be forced to yield their sovereign powers to external institutions or to other countries. Additionally, for the country the mechanisms of ceding sovereign autonomy for the regulation of other states or international institutions incur in blurring the lines between accountability and the relationships of power among all actors involved (CHANDLER, 2005). The country also participates in the International Dialogue for Peacebuilding and Statebuilding.

In South Asia, India, Pakistan and Bangladesh center their views on the role of local political and administrative elites of target states for the success of state-building. Besides that, political parties and other similar local organizations are deemed very important by them, since they could increase the legitimacy and also gain the support of the society—without them, the political development through state-building may be debilitated. Nonetheless, they also stress that the international community while implementing state-building activities has to work with local governments, having their acceptance to contact indigenous organizations. Strong support from regional and international organizations is also a point which they stress as being particularly relevant, as long as their commitment rests in the long-run.
5. QUESTIONS TO PONDER

i. Considering the matter of sovereignty, what are the limits for United Nations actions in internal affairs in order to maintain international peace and security? Are there critical situations in which the external presence is vital for state-building? Would the responsibility to protect principle be applicable?

ii. How can the UN role in peacekeeping and state-building operations be assessed? How could it be improved?

iii. What practices must be encouraged in order to improve state capacity?

iv. What roles can regional organizations perform in state-building activities?

v. What measures can be taken in order to improve coordination between actors involved in a process of state-building (internal actors, UN, regional organizations, NGOs, donors, etc.)?

vi. Is there a better or preponderant focus in state-building strategies, ranging from securitarian and infrastructural activities to political inclusion measures? How could securitarian, infrastructural and political state-building strategies be addressed by the United Nations?

vii. How to promote political state-building? What are the challenges of democratization and how to cope with them?
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