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Christopher Allen Reese
creese7@vols.utk.edu

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International Power Relations and State Collapse: The Ephemeral State of Sovereignty in the Modern World Order

By

Christopher Reese

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Thesis Supervisor: Dr. Tricia Redeker-Hepner

Abstract

The collapse of states is a phenomenon as old as the state itself. State collapse and failure in the modern context, however, have triggered the emergence of new trends in international politics such as militarized humanitarian intervention. While much literature has been generated about these topics, very little has examined the failure of the state from the perspective of power relationships between states. In this work, I use the concept of sovereign power outlined by Giorgio Agamben to study the application of power structures internationally in events of state failure and collapse through humanitarian intervention and statebuilding attempts. I argue that just as individuals can be made and unmade as citizens, so can states be made and unmade as sovereign by the international community.

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Introduction

The failure of states is not a new phenomenon. Within the last twenty-five years there has been a drastic increase in the number of “failed and collapsed states,” with particularly explosive cases such as Somalia and Kosovo captivating the attention of International Relations (IR) scholars, philosophers, political scientists, and almost every branch of the social sciences. Much of the consideration given to these failed and collapsed states focuses on how and why these states fell, and in cases of intervention, how such a decision to intervene was justified. Very few scholars, however, have considered what the identification as failed or collapsed implies with regard to global power structures.

International intervention, likewise, is an area which does not get much attention from anthropologists. Much of the literature that refers to intervention or power relationships between intervening and intervened states simply identifies such occurrences as examples of neo-colonialism or a form of post-colonial power exertion (Edkins 2005; Biswas & Nair 2010); however, such distinctions only tell us about the directionality of the mechanism, not about how it works. Relationships between modern states are not frequently considered by anthropologists, who are usually more concerned with ground-level experiences of power and violence than the larger scale; which, to be fair, is typically considered the realm of political scientists, sociologists, and international relations scholars. This thesis seeks to examine the dynamics of power and violence which exist between states through the lens of international intervention and state collapse, and compare them to the ways power and violence are experienced between states and citizens.

Two problematic phrases will be present throughout this work: sovereignty and sovereign power. Both of these phrases can be quite obscure because their definitions are almost entirely dependent on the context of their usage. While I explore both of these terms and their usage in a later section, for now it will suffice to use the following definitions. Sovereignty, in this work, describes the legitimacy of the boundaries of a state, both territorial and political, and the ability of a state to exert authority within these boundaries. A completely sovereign state, for example, is able to enact laws and actions within its boundaries without interference from external political bodies.

Sovereign power, following from the model devised by Agamben (2005), is used here as the power to decide upon how authority should be exerted *and* the ability to enforce the decision. A simple example of sovereign power is the ability of a judge to decide the guilt or innocence of a defendant in court: the judge may both determine guilt and send the defendant to jail, or they may declare the defendant innocent and allow them to walk free. The judge has sovereign power because he possesses both the choice and the ability to enforce his decision. Notably, sovereign power is not limited to the state or political bodies (Agamben 1998).

I contend that just as states exert sovereign power within their own boundaries, there has been a recent rise in states and bodies of states using the same kinds of sovereign power outside of their domestic state boundaries, and that this application of power is dependent upon the ability of the international community to delegitimize the citizenship and sovereignty of other states. This relationship manifests itself in many different ways; no two cases should be expected to be identical. Here, the relationship between states will be analyzed through the crucible of state failure and collapse in two “failed” states, Somalia and Kosovar Yugoslavia, by asking fundamental questions regarding the ways by which sovereignty is both respected and rejected

by the international community as well as what it means for a state to fail and, in the larger context, what it means for a state to be a member of the modern world order. Finally, attempts by the international community to reconstruct “collapsed” states will also be briefly discussed, as will the implications for the ways which sovereign power is exerted.

Defining Collapse

While much work has been done regarding the failure and collapse of states, particularly within the last twenty years, the ways in which these processes have been defined has varied greatly both over time and among disciplines. Anthropologists, archaeologists, historians, and other researchers of other disciplines have long studied the collapse and fall of ancient states such as the Roman Empire and Mesopotamia. In the early 20th century, authors such as Spengler and Toynbee adopted the organismic view of the state: that all states go through stages of birth, growth, and death (Yoffee 2005). Likewise, in her analysis of early kingdoms, Marcus puts forth the suggestion that early states “collapsed” quite frequently, yet this was only a part of a greater process of the waxing and waning of these kingdoms and empires (Marcus 1998). Yoffee (2005) argues that the collapse of states never involves the total collapse of all institutions within a society and defines collapse as when the center can no longer secure resources from the periphery. Yoffee also notes that collapse usually entails the failure of “centralized institutions that facilitate the distribution of resources and information” (2005:139). These are just a few notable approaches; there have been others drawing from neo-evolutional theory and from the perspective of environmental causes, but these have recently been criticized as failing to account for the agency of the inhabitants of the failed state (Middleton 2012).

When discussing the collapse of the modern Westphalian nation-state, however, there are a few key differences between these societies and the archaic states traditionally studied by archaeologists and historians. Archaic states were usually formed in regions with a shared culture, such as in Uruk and Sumer (Yoffee 2005), whereas the modern nation-state frequently contains artificially constructed boundaries which do not always accurately reflect the diverse identities of the citizens therein. This is a side-effect of periods of large-scale incorporation and integration into empires and empire-like structures such as those formerly headed by Western colonizers, but it has a profound effect on the political climate of many modern states. Additionally, while the collapse and restructuring of states can be considered a key historic process for societies (Wright 2006), it is often one which takes a long time to complete; for reference, one can consider the Dark Ages (to use an archaic term) following the fall of the Roman Empire, where inhabitants of areas such as Saxon Britain did not organize into a larger polity for almost two hundred years. Finally, while a globalized world is not a recent affair, the post-WWII ideologies of human rights and of sovereignty-as-responsibility have led to greater international involvement in the historically secluded process of collapse, evident through international intervention in some “failing” and “collapsing” states (Pantea 2013).

Archaeologists and historians are not the only researchers who have been considering the issues of the collapse and failure of states; many political scientists and international relations scholars have become more interested in this phenomenon in recent years. Rotberg (2003:3), in his analysis of state failure, imagines the state as a provider of “political goods,” defined as the claims of citizens upon states such as human security and basic civil and political rights. He also prescribes a hierarchy to these political goods, with the “human security” good at the top and more flexible goods, or those that are able to be privatized, at the bottom (2003:3). A few other

metrics for determining the weakness of the state are listed: targeting of citizens by state-sponsored violence, growth of criminal networks, “flawed institutions” (power residing only in the executive branch), privatization of health and education systems, excessive economic disparity, decaying infrastructure, corruption, and the loss of legitimacy of the state (2003:6-9).

Rotberg’s model also contains four levels of state failure: strong, failing, failed, and collapsed. Strong states clearly control their territories and provide a suite of political goods to their citizens (Rotberg 2004:4). Failing, or weak, states are essentially strong but are experiencing momentary weakness from either economic or political conditions, such as harboring potential ethnic conflict or leadership by corrupt officials (2004:4-5). Failed states are “tense, deeply conflicted, dangerous, and contested bitterly by warring factions,” and often may face resistance by one or more insurgencies (2004:4-5). Collapsed states are described, rather vividly, as somewhere “the forces of entropy have overwhelmed the radiance that hitherto provided some semblance of order and other vital political goods to the inhabitants (no longer the citizens) embraced by language, ethnic affinities, or borders” (2004:9-10).

Rotberg’s analysis differs from the model developed by the State Failure Task Force, which only designates states as either failed or non-failed for the sake of creating a more inclusive model (Howard 2010:10). This bifurcated model defines a state as failed if it experiences revolutionary war, ethnic war, an adverse or disruptive regime transition, or genocides/politicides within a given year (Howard 2010:10). Howard (2010:21) puts forward the statistically-based “Severity Stage” model which relies upon several variables, namely: dissident behavior, non-violent protest, economic decline, proximity to a state in crisis, the presence of corrupt state authority, weak institutional development, and the presence of an autocratic and/or partially democratic regime. There are also other models developed by non-academic entities,

such as the non-governmental organization (NGO) Fund for Peace, whose model relies on several variables such as the rise of factionalized elites, amount of external intervention, number of displaced peoples, economic decline, entropy of public services, and state legitimacy (FFP 2014).

Thus, we can see why the previously suggested models of state failure are of limited use for this analysis: none of them properly capture the ability of the state to express its sovereignty. For example, Howard's model tracks dissident behavior and instances of non-violent protest, but does not consider the state's response to these events. Did the state respond with force? If so, to what degree? Could the state respond? The model developed by the State Failure Task Force provides us with information about the presence of conflict, but not about the nature of said conflict. These models generally ignore or only just consider the state's ability to express its authority, particularly with regard to violence (in the general sense) committed against the citizenry (Rotberg 2003:42).

While these indexes may tell us about the present condition of the state in question, they do not give us the necessary historical background to address the problems they identify. Put simply: these taxonomies do a wonderful job of identifying the state as broken, but what this level of brokenness entails is entirely determined by the individual or group who is performing the examination. As such, the demarcation of a state as "failing" or "collapsed" is entirely subject to the viewpoint of the researcher, who is normally writing from a Western perspective (Biswas and Nair 2010). The ability of these researchers to declare not only what is exceptional, but also what is "stable," demonstrates a position of power over the states which they observe. Moreover, the dissimilarity of these models seems to make "collapse" an ambiguous taxonomic category at best.

There have also been criticisms leveled at the concept of “state failure” as justification for the “sovereign intervention in the exceptional third world” (Biswas & Nair 2010:19-22). Biswas and Nair (2010:20) point to the US occupations of Afghanistan and Iraq, two “failed states,” and the discourse regarding ungoverned spaces in Africa which they deem to have “echoes” of colonialism. Relatedly, Perera (2010) points out the failures of the “international community” in Sri Lanka; that due to the “strategic inconsequentiality” of Sri Lanka, violence there essentially “does not matter” (Biswas 2010:20). This formulation, however, touches on a greater working of sovereign power in the modern world order, but falls short of acknowledging that just as states create “bare life,” a person or population stripped of all rights and legal status, within their own borders, other nations and international bodies with the capacity (power, manifested in the decision) to act possess the powers to both declare the “state of exception” beyond their own borders and are party to the process of the creation of “bare life”, willing or not (Agamben 1998, 2005). In the following sections I will elaborate on the ways that this phenomenon functions in the modern world order.

Defining Sovereignty

Sovereignty, in recent times, has proven difficult to define. Krasner provides the most comprehensive definition by separating sovereignty into four categories:

- 1) Domestic Sovereignty: the state’s ability to name the “state of exception,” or to exert control within its own borders
- 2) Interdependence Sovereignty: the ability of a state to control its borders
- 3) International Legal Sovereignty: recognition as a legitimate state by other states

4) Westphalian Sovereignty: lack of authority over the state other than the domestic authority (Krasner 2001:7-12; Agamben 2005)

As stated previously, these can be summarized as the ability of a state to exert authority within its territorial and political boundaries without interference from other political bodies (Krasner 2001). This authority can take many forms, including both repressive actions such as Jim Crow laws or apartheid policies and actions by which the state provides for its citizens such as the institution of a welfare system. For my purposes, a somewhat abstract understanding of sovereignty will be used: for a state to be sovereign it does not matter what policies it pursues, only that it is able to pursue them effectively without fear of intervention.

So, then, how is the ability of the state to express its sovereignty assessed? First, a distinction must be made between failure and loss of authority. A state can be classified as failing (weak) yet still exert a great deal of control over its population; such is the case of authoritarian states (an indicator of failure by Rotberg) like the current North Korea. While authoritarian or repressive states might be using an excessive application of state power to mask weaknesses or insecurities, these states still normally exert their authority on their populations just as much as if these same states were providing political goods. The only difference, in this regard, between a “good” state and a repressive state is the way authority is wielded, but both types of state can be considered sovereign as long as the application of state authority is not challenged by another political body.

On the other hand, once a state has collapsed it no longer possesses sovereignty because it no longer retains the capacity to ensure that policies or actions enacted by the state will not be subject to interference by external actors. An example of this loss of sovereignty is the Somalian state’s lack of ability to resist United Nations (UN) intervention in the early 1990’s; I am quite

sure that if the UN had attempted to send a peacekeeping force to Ferguson, Missouri, during the recent riots, the US would have resisted such an incursion. Such a loss of authority is not sudden, but rather the product of years of neglect and mistreatment of the state and its infrastructure (Rotberg 2004:15). Once a state's sovereignty has faltered enough to be declared collapsed, there is usually a vacuum of power coupled with a near-complete decay of infrastructure; however, this vacuum of power also allows the international community to intervene without violating the sovereignty of the state in question (at least, in theory).

It is worth noting that much of the current discussion of sovereignty actually takes the form of a discussion on *sovereign power* (see Hansen & Stepputat 2005) instead of the kinds of formal sovereignty listed above. The creation and exertion of sovereign power as a method of study has roots in Foucauldian thought and has been most recently been exemplified in the work of Giorgio Agamben. Agamben, drawing from the work of Carl Schmitt, suggests that the fundamental function of sovereign power is the creation of "sacred life" (his *homo sacer*) which may be "killed but not sacrificed" (1998:53). In other words, it is the declaration of who is considered a citizen with juridico-political status (*bios*), able to be included in the workings of the sovereign (in this case, the state) because they have been granted such status, and who is an outsider (*zoe*), who is only included in the domain of the sovereign by their exclusion. Excluded groups, which do not have claims to the rights of citizens, are what constitute "bare life" (Agamben 1998).

Agamben (2005) puts forth another argument, again drawing from Carl Schmitt, which is helpful when conceptualizing sovereign power: the state of exception. His argument is built upon the idea that within a legal framework there will be instances which fall under the *norm*, where a precedent has already been set, or the exception, where a decision must be made: it is in this

decision that the sovereign power lies (Agamben 2005:35). He argues that the state of exception, tied inexorably to the state of nature, was given physical form by the creation of the concentration camp, a place where all legal norms were suspended and the subjects were rendered as “bare life” by the sovereign decision of those administering the camp (Agamben 2005:4). In the camp, law became inseparable from violence and those in it were declared exceptional, entirely vulnerable to the sovereign decision (Agamben 2005:39-40; Biswas & Nair 2010).

This method of examining dynamic power relations as a property of social relations more broadly enables us to better examine the ways by which “bare life” is created by sovereign power, including groups which have not been traditionally defined as “sovereign” such as non-governmental organizations (Hansen & Stepputat 2005:17). However, the analysis provided by many anthropologists and professionals from other disciplines has been focused around applications of sovereign power by both state actors and organizations such as humanitarian groups on populations such as minorities, migrants, and refugees (see Biswas & Nair 2010; Perera 2010; Nair 2010; Woodling 2010; Ong 2005; Chatterjee 2005; and Hepner & O’Kane 2009). While there has been very careful consideration about the ability of sovereign power to be exerted on citizens and populations, there has been very little examination of the prospect that there are mechanisms of sovereign power that exist between states, not just within them.

In the recent past, the world has seen the emergence of the “humanitarian war,” which both dehumanizes the enemy and serves to legitimize the conflict in question, and a general ethos of intervention (including all forms, such as economic sanctions and medical aid, not just military *per se*) by the First World (Biswas & Nair 2010). While the true purposes of these conflicts and interventions may or may not be humanitarian in nature, the display of sovereign

power they produce is the point of interest here. Under the Schmittian-Agambenian decisionist scheme, the ability of the First World to declare another region or, at times, an entire state as exceptional demonstrates an expression of sovereign power by the intervening body over the intervened (Agamben 2005). This can be most blatantly seen in situations of military intervention such as the UN intervention in Kosovo and the US invasions of Iraq, wherein the Westphalian sovereignty, as defined by Krasner (2001), of both states was negated by the application of foreign sovereign power.

Sovereign Power, Sovereignty, Security, and Rights:

Historically, human rights and the international human rights culture have been seen as a challenge to the sovereignty of individual states (Clapham 2007:59-60). Many UN-defined human rights, however – those defined by International Bill of Rights – would be categorized by Rotberg (2003:3) as the political good of “human security,” his “most important good.” So, to Rotberg, these rights are necessary for the development of a “stable” state. Granted, this definition of stability is somewhat loaded, as it is experienced from the view of a first-world liberal democracy. Ergo, let us say that a state that provides rights to its citizens is doing so as an extension of sovereignty, just as much as if it were entirely restricting them.

This should not be a revolutionary statement, nor is it intended to be. The challenge to sovereignty comes from two fronts: the guaranteed rights of individuals in international law, a sphere which supersedes the domestic state, and the potential for intervention (military or otherwise) by another state or body of states (Clapham 2007:62-63). Thusly, the dangerous connection between state security and failure becomes clear. If a state retains the ability to

maintain its borders and express authority within them despite failing, the international community's ability to respond to humanitarian disasters is limited as long as the sovereignty (specifically, the Westphalian sovereignty) of the offending state is paramount; notably, according to the UN Charter, it is (1945: Article II).¹ However, if the state has already collapsed, there is no sovereign to respect and no state to offend, as argued by Ayoob (2001:82).

However, if Agamben's model of the sovereign decision is taken into account, then the "respectable sovereign" described by Ayoob (2001:82) may not be as relevant as even the UN Charter might have us believe. As elaborated earlier, if the potentially intervening bodies (not limited to just states, but inter-state bodies such as the UN and NATO) are able to make a choice regarding intervention in another state, this decision is the manifestation of their sovereign power; meaning, quite frankly, that the very idea of a "sovereign" nation-state might be a flawed conception. The "sovereign" nation-state, introduced with the Treaty of Westphalia, is not a natural means of organizing of large groups of people, but rather a social construction which depends on the willing participation of its constituents to have any real authority. This means that in effect, the ability of a state to not be interfered with by external political bodies constitutes a "right" of the modern nation-state rather than a property, and rights may be violated.

While the previous focus was on the interactions of states with each other, the implications for inhabitants of intervened states will now be discussed. If, regarding humanitarian crises such as mass starvation and poverty or even more extreme scenarios such as genocide, political persecution, or other violence-based human rights infringements, there is a decision regarding intervention then the potentially intervening body is also party to the creation

¹ While much has been written about the "paternalistic" nature of humanitarian aid and intervention, and the topic itself is paramount that we consider, it is not what is of issue here.

of the *homo sacer* by abandonment in these instances. By choosing who is and is not worth “including,” the intervening body must decide who must be relegated to the camp and who may be liberated (Agamben 1998). To continue the metaphor of the camp, as it is impossible to free all those interred to the camp due to lack of time and resources, a fundamental action of the intervening bodies is to decide upon who may be freed and who must remain as “bare life,” to face the reality of either incurring imperialist charges or being blasé to those facing the reality of the camp (Agamben 1998; Biswas & Nair 2010; Perera 2010).

It is apparent now that under Agamben/Schmitt’s model, the concept and implementation of universal human rights posits no inherent challenge to state sovereignty; this is merely a proximate cause of the contradictory power dynamics of sovereign power as it relates to human rights, the respective values of state membership in the modern world order, and the rights of individual citizens within said order. In simpler terms, the rights of individual citizens and the rights of individual states as members of the international community fundamentally differ and oppose each other. When these opposing forces meet, the ensuing decisions which *must* be made have produced the modern concepts of human rights and ways that they are implemented when the rights of individuals are prioritized over those of the state. The original examination must now be returned to: how do the concepts and enforcement of the universal human rights ethos present themselves in the event of state failure and collapse? More specifically, how do these state-state, state-suprastate, and internal state relations of sovereign power manifest during times of political turmoil and state failure?

Somalia: State Collapse and Intervention

Of all the states that collapsed in the late 1980's and early 1990's, Somalia is the only one that remains without a central government. It should be noted that the collapse of Somalia, as emphasized by both Rotberg (2003) and Mohamoud (2006), was not the result of a single event but rather the culmination of decades of mismanagement with regard to economic policies, infrastructure, administration, use of state-sponsored violence, and various other causes; essentially fulfilling all four aforementioned models of failure to the letter (Howard 2010). However, as Rotberg (2003:11) asks, the demarcation of a state as 'failed' is not a sentence; therefore, he asks, why did the Somalian state collapse, considering the significant ethnic unity of the Somali people?

Mohamoud (2006:135-136) attributes this collapse primarily to the power vacuum left by the sudden departure of Siad Barre followed by the "Post State Civil War" in which the United Somali Congress (USC), the Somali National Alliance (SNA), and the Somali National Movement (SNM) all sought to fill the void left by Barre. As a result of this conflict, as well as the preceding one against Siad Barre himself, it was estimated that between 165,000 and 300,000 people were displaced within in the Bari, Nugaal, and Mudug regions combined (Kapteijns 2013:179). Between November 1991 and February 1992 fighting in Mogadishu had claimed 14,000 lives and approximately 27,000 people had been wounded; Kapteijns (2013:179) notes hauntingly that "the *concept* of civilian noncombatant had been completely abandoned by all sides" (original emphasis). It was these factors, compiled with the essentially non-existent Somalian infrastructure, which lead the authors of all models to describe Somalia as a collapsed state (Rotberg 2003; Howard 2010; FFP 2014).

This gives us the background for the UNITAF intervention by the UN in December of 1992. However, in a very critical analysis of the UN response to Somalia, Mohamed Sahnoun notes that there were moments of intervention possible for the UN prior to the collapse of the state in 1991 and that “if the international community had intervened earlier... much of the catastrophe that has occurred would have been avoided” (appears in Mohamoud 2006). These earlier points included the beginning of the clan-based uprising in 1988 (see Kapteijns 2013), the signing of a manifesto for reconciliation in 1990, and immediately after the overthrow of Siad Barre in 1991 (Mohamoud 2006:138-139). Assuming that the UN and its members were very much aware of the conflict in Somalia, their decision to remain inactive from 1988 to 1992 contributed to the creation of “bare life” by the conflict by consciously making the decision that the right of the Somalian state not to be intervened superseded the rights of Somalian citizens to live in safety. This is not meant to level charges of omissionary sins from the position of hindsight; however, that there was a choice, under the Schmittian-Agambenian construction, shows that the international community here exerted a level of sovereign power over the Somali people by the decision of both when and how to intervene (Biswas & Nair 2010).

The military intervention by the UN and the US also led to another paradigm shift in global politics: the advent of “armed peacekeeping” and a militarized “humanitarian intervention” (Mohamoud 2006:140). While the proclaimed goal of these operations was to “enable the starving to be fed” (TIME Magazine, December 14, 1992:25), the post-Cold War advent of military intervention into another state provides us with one of the first examples of a “higher” state (or, in this instance, a conglomerate of states) declaring a state of exception outside of its own borders. It is worth noting that, in Ayoob’s (2001) terms, there is no respectable state authority here to offend and that the goals (at least, the proclaimed goals) of the

initial intervention were to provide the basic human needs for the Somali population, including them in the citizenship, now made global, and preventing them from becoming “bare life” by the application of sovereign power internationally.

Two forms of intervention from state and supra-state based actors were present in 1992-1993 Somalia. On the one hand, there was the traditional “humanitarian” relief in the form of food, medical supplies, and other items designed to help during a crisis. That the international community decided to send this aid also implies a decision regarding the status of the Somali people: their rights to life-sustaining processes would for the moment be given higher priority than the right of the Somalian state to political self-determination, regardless of the motivations of sending states. To reiterate, this was enabled by the seeming absence of a “sovereign” Somalian state.

This initial intervention was followed by a military response designed not in the traditional interests of territorial or economic gain but in the interests of “peacekeeping”: notably, the same oft-cited reason for the implementation of “states of emergency” (Agamben 2005). The difference here is that the state of emergency was declared not by the Somalian state, but by an entity (nearly) entirely separate from the state: the UN, US, and the international aid apparatus. This would be the final nail in the coffin for Somalian sovereignty: the ability of the Somalian state, or the remnants of it, to exert authority within domestic borders had been eradicated. This is not to say that there were not groups within Somalia able to resist this new international application of sovereign power; these groups certainly existed, but they could not exert power to the same degree as the intervening forces.

However, the decisionist model, where sovereign power lies in the ability to decide how authority can be expressed, may be taken even further. In the attempts at rebuilding the state performed by UNOSOM and UNOSOM II, the two UN taskforces designated with the task of reestablishing the state in Somalia, these groups were able to exert significant power on the Somali people by deciding *who* would be negotiated with and established as the leaders of the new state (Mohamoud 2006). UNISOM emphasized a traditional “top-down” approach to restoring order in Somalia, choosing to negotiate with the various warlords who had taken power in the vacuum left by Siad Barre who had only the “power of the gun” and the “threat of violence... to keep the population hostage” with no legitimacy in the eyes of the people (Mohamoud 2006:158).

These attempts to legitimize Somalian warlords as leaders ultimately failed due to both the economic disparity and the escalated tensions between the various clans in Somalia following the civil war after Siad Barre’s departure (Mohamoud 2006:158-159). This shows that while the international community does have the ability to exert sovereign power on failed states, this power is not absolute and may still be resisted and contested by the population it affects. Hence, the effect of the application of sovereign power depends greatly on the socio-political climate in which it occurs (Biswas & Nair 2010; Connolly 2004).

To summarize, the intervention of Somalia constituted an externally declared “states of exception.” Whereas the failure and ultimate collapse of the Somali state was caused by a myriad of both internal and external forces, the collapse itself opened the door for an emergent type of intervention: one where forces external to the state can openly (Cold War politics aside) govern and elect who would rule in the absence of a sovereign, as the UN did by attempting to install

Somali warlords as leaders of the state. It would not be long, however, before this system would be applied to states that had not yet collapsed.

Kosovo: NATO Creates a New Paradigm

The NATO intervention of Kosovo happened under similar pretense as that of Somalia; however, somewhat ironically, the failure of the Federal Republic of Yugoslavia goes entirely unmentioned by Rotberg, Howard, the SFTP, and the FFP. However, by applying Rotberg's and the SFTP's models, we can see that the region controlled by the Federal Republic of Yugoslavia (FRY) were either failed or failing quite dangerously.² The violence associated with the Balkans during the 1990's has been largely attributed to "ancient ethnic hatreds" between Serbs, Albanians, and Croats; in the context of Kosovo, the primary conflict was between Albanian and Serbian groups (Hehir 2010). This ethnic violence eventually escalated to the scale that in 1998, the World Refugee Survey Kosovo reported a total of 300,000 displaced peoples (Hehir 2010:7) and the ethnic conflict was considered to be so endemic that it threatened the stability of the region. Hehir (2010) also attributes the omission of Kosovo, largely supported by the Kosovar Albanians, from the 1995 Dayton Peace Accords which ended the Bosnian War and the inclusion and recognition of the FRY as fuel for the conflict, leading to an open confrontation between the Kosovo Liberation Army and the FRY.

The 1999 decision for NATO to intervene was not reached lightly, however. Lyon and Malone (2010) note that the decision to intervene was controversial in many Western countries,

² The models proposed by Howard and FFP were not applied here as they are both statistical models and require a truly massive amount of data to obtain a usable result. While I have full confidence that these models would support the results from Rotberg's model as well as the SFTP's, the necessary data was unable to be obtained.

with most people only supporting an intervention which minimized risk to Western troops, and that the choice of intervention was an intersection of morality, national interest, and the influence of elite dialogue as factors in the decision. In March of 1999, NATO began air raids on FRY forces. After NATO intervention the FRY were only able to last a few months, withdrawing and surrendering on June 10, 1999 (Hehir 2010). After the retreat of the FRY, the UN instated the UN Interim Administration Mission in Kosovo (UNMIK), tasked with statebuilding in the now failed Kosovo (Hehir 2010). UNMIK would assume responsibility of rebuilding the now-defunct judicial system, amongst other things, by training new police (CIVPOL and, later, the KPS) and attempting to enforce a legal system so as to impose some semblance of order (Ryan 2010); in other words, much like in Somalia, the UN was the new sovereign. However, rather than attempting to instate and “fix” the local government, UNMIK chose to administer Kosovo for years after the surrender of the FRY. The UN presence in Kosovo has persisted into recent times; however, Kosovo officially declared independence in 2008 (Hehir 2010).

In his analysis of the foreign-imposed state of exception in Kosovo, Ryan (2010:120) proposes the idea of *terra sacer* to accompany Agamben’s *homo sacer*. While he does not define the term, it can be surmised as the “bare land” created by the exclusion of a political body from a larger network of similar bodies; in this case, a state from a community of states. This political body, and the territory they control, no longer possess the right to self-determination. In the Westphalian nation-state, losing the right to political self-determination can be directly equated to the loss of sovereignty. He writes that the FRY in the above circumstances represent this *terra sacer* in the modern times, stating that the:

“violence (bombing) over the FRY was an extra-judicial act perpetrated by a community upon an outsider that enabled the international community to wrest from the FRY its capacity to decide the state of exception” (Ryan 2010:120)

By means of humanitarian intervention, the crown of sovereignty had been transferred to the UNMIK, who much like UNISOM were in the position to decide upon what institutions would be promoted and what laws and ideals would be enforced. Here, the idea of “statebuilding” as an extension of sovereign power in intervened states is visible once again. The Yugoslav state was no more, leaving the UN to administer Kosovo with full impunity.

States as Citizens and International Power Relations

Thus far, I have discussed two events of *military* intervention under the guise of humanitarian aid to show the events leading to the declaration of foreign states of exception. But what of those states where there is no intervention, military or otherwise? Why, for example, has there been no intervention in Sri Lanka or in Colombia (neither of which is, or has been, denoted as failing although they both fall, or have come very close to falling, under many of the categories for failure present in *all* four of the previous models listed (Howard 2012))? Ayoob (2002:85) argues that this phenomenon is largely because decisions of intervention are made at the national level, with national interests in mind, rather than as international decisions. This insight, however, fails to recognize the significance of *who* is making the decisions.

To begin, humanitarian intervention should be viewed in terms of power. The intervening states/state groups (namely, the US, UN, and NATO) are, as previously articulated, exerting sovereign power over the intervened state. Likewise, as the intervened state and their population

still possess an ability to resist the exertion of power over them to some degree, such an application of sovereign power should not be viewed as absolute but rather as part of a relationship between a source of authority and social powers which might resist them (Connolly 2004:30; Dillon 2004:42). In the cases of Somalia and Kosovo, the intervening states and groups of states were largely the same set of actors. This can also be said for nearly every “humanitarian” intervention since the end of the Cold War: if one looks closely, they can begin to see the hubs of sovereign power at play. Hardt and Negri touch upon this power relationship in their *Empire*, where there is a “network of powers and counterpowers structured in a boundless and inclusive architecture” and “power has no actual and localizable terrain or structure... [but] is distributed... through mobile and articulated mechanisms of control” (2000, appears in Connolly 2004).

This conception, however, is not entirely correct. Many criticisms of *Empire* have centered on the resemblance between this “new world order” and the previous colonial world domination by European agents, terming it as a “liberal world order” (Hindness 2005:242). However, both models rely on the same ideologies of territoriality and citizenship, only with different emphasis. The concept of citizenship is what is of interest here. Citizenship is typically defined as “a matter of relations between individuals and the state to which they belong” as well as “one of the markers used by states in their attempts to regulate the movement of people across borders” (Hindness 2005:243). From this, it would seem that citizenship is phrased in terms of the state.

Agamben (1998) likewise considers the making and unmaking of citizens, his *bios* and *zoe*, the fundamental function of sovereign power. In other words, sovereign power is the ability to decide who has rights and who does not (Agamben 1998). However, the previous argument

put forward by Ryan (2010) of *terra sacer* seems to presume that states and territories experience sovereign power in a similar fashion to individuals. If we accept that territories themselves may be made exceptional and reduced to “bare land” by a sovereign power, and that these territories can include entire states, then an exceptional state as *terra sacer* is directly analogous to the *homo sacer*. From this, I put forth the suggestion similar to that of Kustermans (2010) that just as individuals are made and unmade as citizens, that the ability of entire states to be declared exceptional implies that the same citizen-making powers being applied to individuals are also applied to states, making them *de facto* citizens in the modern world order.³

Using this paradigm, if we consider that the same centers of sovereign power are exerting their authority beyond their own national boundaries, then the unlocatable structure of power discussed by Hardt and Negri becomes more apparent. However, just as with individuals, the sovereign power to declare the *terra sacer* is not absolute; the decision is reliant on the social, cultural, and political climate in which it emerges (Connolly 2004). The ways by which the decision to create *terra sacer* is legitimized and given power must therefore be analyzed.

Ayoob (2002:87) touches on this idea, speaking to the “double standard” in interventionist policies between countries with greater and lesser influence globally. This trend can be seen visibly in which states have been declared as “failed” and which states have simply fallen into a status of “weakness”: the former is largely constructed of polities that are from, in economic terms, the periphery (FFP 2014). If we compare these models of state failure with instances of intervention by external forces, we see a striking corollary: while not all failed states

³ I should be clear that I am not choosing a side here in the state-as-citizen debate. I am merely stating that in this instance it can be useful to think of the state as such; moreover, the dichotomous designation of states as citizens or not-citizens is artificial and ignores the complexity of the ways the state interacts with social, economic, and political realms as an entity.

have been intervened, intervention has only occurred in failed states (Rotberg 2002). The perceived failure of another state provides justification for intervention without becoming bogged down in a debate about the legitimacy of such distinctions or their usage (Biswas and Nair 2010). Likewise, it can be seen that interventional politics are much less prevalent in states which have not collapsed or failed, such as Colombia or Sri Lanka (Rotberg 2004; Ayoob 2002; Perera 2010). The demarcation of a state as failed, however, serves to do more than justify intervention.

This legitimization of intervention by the sovereign centers also requires the delegitimization of the sovereignty of the now-intervened body, as it is now a state of exception, making it a *de facto* sovereign-less state (Agamben 2005). However, if we do away with the previous abstraction, this system has the very real implication that the sovereignty of the periphery is entirely subject to the sovereign will of the West (Biswas & Nair 2010). From this, it is apparent that modern interventionist policies are not part of a violent relation vis a vis colonial interactions, but rather part of a relationship of power between the sovereign centers and the periphery (borrowing the phrase from world systems theory), wherein the loss of stability or failure of a state to provide the proper securities to citizens may warrant the same wresting of sovereignty that Ryan (2010:120) describes in his interpretation of the NATO management of Kosovo. This elucidates the system which demands both legitimization and delegitimization for such actions to occur (Ryan 2010:120); as such, the relationship between the centers of sovereign power and states whom would be intervened is not one of Foucauldian violence until such a state has failed or been weakened to the point where it can no longer retain sovereignty at the hands of an intervening factor. The reason that this relationship appears as one of violence rather than one

of power is because it is most visible after the transition to violence, where phenomenon such as militarized humanitarian intervention begin to occur.

While the decision, and thusly the sovereign choice, toward intervention rests in the hands of a few central polities, the ability to express this decision can be expressed in terms of power relations between sovereign powers, which are exerting a force or power internationally, and sovereignties, nation-states with “citizenship” in the international community (Agamben 2005; Connolly 2004). As, in Agamben’s (1998) terms, the work of humanitarian groups is inexorably linked to the sovereign, this paradigm has serious implications for any ideas or enforcement of universal human rights: in many cases, humanitarian groups will depend upon the exertion of sovereign power to some extent in order to operate. The dilemma presented earlier still remains: the choice presented to these sovereign hubs of power is either to intervene on behalf of human rights (if we assume that true humanitarian intervention is possible) or to abandon those rendered bare life to the camp.

It should be noted that this conversation also entails some discussion of the rules that accompany order. Some authors, particularly those in IR or International Law, have discussed the concept of rules being the normative concepts which govern international relations (Lang 2010:66-67). These authors do not consider that a discussion of rules also entails a discussion of power, and to paraphrase Agamben (2005): if those who make the rules break the rules, then who is to stop them? The sovereign entity, by definition, is both included and excluded from the normal system of laws and rules which it adjudicates (Agamben 2005). In the international sense, while these intervening actors must abide by the “rules” of international involvement to some extent, the breaking of said rules has often gone unpunished. While NATO, for example, was admonished by Russia over their intervention in Kosovo, the only form of authority Russia was

able to enact was in the form of a resolution to the UN Security Council which was firmly rejected (Bellamy 2010:48).

Conclusion

At the international level, it can be observed that sovereign power between states operates much as it does within a state. Just as individuals are rendered as citizen or *homo sacer* within the state, states themselves are made and unmade as *terra sacer* (or, more accurately, *civitas sacer*) by the global relations of sovereign power mentioned above (Ryan 2010; Agamben 1998). The failure or collapse of the state is but one mechanism by which global sovereign centers both legitimize their own authority and delegitimize the targets of intervention; one which is inseparably joined to ideas about the responsibility of sovereignty and the humanitarian nature of international law (Bellamy 2010). It is for this reason that we must reject thinking about international intervention in terms of justification and instead consider it in terms of the dynamic power/violence relations at play. Therefore, I must disagree with Biswas and Nair (2010) in their contention that any attempt to impose a “world order” would hinge upon the declaration of an “exceptional Third World,” but rather argue that many of the sovereign centers have already made clear their ability to decide upon the exceptionality, and thus the citizenship, of any state without the adequate stability and ability to contest or resist their exceptionality, and have done so for many years. That states, or groups of states, can decide upon the legitimacy of the sovereignty of other polities is a phenomenon that should not be ignored.

Thusly, we once again return to universal human rights. As we have seen, the sovereign decision for intervention rests in the global centers of sovereign power. While many authors

write about humanitarian intervention in a negative light, without the capacity for such intervention the very idea of universal human rights is powerless; ergo, many of the current mechanisms of the enforcement of human rights internationally rely on these “imperial” mechanisms of power. This is not to discount the social power of motivated groups or cultural norms, but rather to expose the means by which human rights are given political power. Without any means to declare the exceptionality discussed above, intervening bodies may only look inside the camp from the outside and lament its tragedies. However, should intervention on humanitarian behalf be allowed, there is no guarantee that another camp is not simply being constructed on the new *terra sacer*.

We cannot escape the fact that our current systems of the enforcement of human rights are built upon these systems of sovereign power (Agamben 1998); in fact, starting with the Universal Declaration of Human Rights, these concepts of universal human rights and the need to enforce them *may have helped construct* these power relations. If we reflect back to the ways that “stable” states are defined, many of the defining political goods fall under the purview of human rights.⁴ Ergo, while many authors are critical of the current mechanisms of sovereign power, those who seek something beyond the existing system of power must also consider the systems conjoined to it. Furthermore, the ability of the international community to delegitimize the sovereignty of another state *under the correct conditions* represents a fundamental function of this “new world order” based upon humanitarian intervention (Edkins 2005).

Finally, the oft-overlooked capacity of international bodies such as the UN to participate in and dictate statebuilding activities is another massive extension of sovereign power; that we

⁴ While the models of state failure present were actually created in the early 21st century (10 years after the collapse of Somalia, 4 after the intervention into Yugoslavia) I feel that these concepts can be considered roughly contemporary.

even have a literature on how to mold a state in its infantile stages tells a great deal about the ability of certain sovereign centers and groups to express their authority. This exertion of sovereignty comes at a price, however; if, following from the ethnographic and archaeological models, the collapse of states is part of a natural cycle of wax and wane then the forced, rather than facilitated, rebuilding of collapsed states is likely to fail because it either makes the fundamental assumption that the new state will be identical to the original (failed) one or will see the state recreated in such a way as to stabilize or benefit existing power structures (Ayob 2002).

This authority, as noted above, is not final. It exists only as part of a relationship of power, one which requires the failure of the state in question or an equivalent form of delegitimizing force to become a relationship of violence. Perhaps sovereignty in the Westphalian nation-state is not, and has never been, a contractual obligation to observe and respect the boundaries of another state but rather a tenuous agreement between multiple factions seeking the upper hand against their adversaries and allies; one which dissolves upon the transition from power to violence.

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