Security Governance in a Post-sovereign World

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Introduction

Over the past decade, many authors have addressed the issue of failed and failing states. These are states that not only cannot provide basic public goods for their citizens, but also fail in the very core of statehood in its Westphalian definition: order and stability guaranteed by a state monopoly on the use of force.[1] Most analyses agree that this phenomenon will continue, and possibly worsen, in the foreseeable future.[2] The implosion of many states, predominantly in the Global South, triggers a variety of consequences: internal conflict, often leading to genocide and large-scale human rights violations, the breakdown of legal economies, often leading to famine, social deprivation, and marginalization.

From a regional perspective, violence is often exported by means of vast refugee migration. The implosion of the legal economy hurts neighboring states, while the trafficking of illegal goods destabilizes transit countries. From a global perspective there are worries over safe havens and operational bases for private violent actors (»terrorists« and/or organized crime). To sum up, today failing states not only trigger devastating internal effects, but affect neighboring countries and destabilize entire regions.[3]

Taking the potentially devastating impact of climate change on fragile states into account, worries arise over a vast zone of instability in the South. On a systemic level, questions arise over the validity of an international order based on sovereign states if a growing number of these

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1. Arguably, many post-colonial states have never reached this level of statehood.
2. This article will not analyze the international pressures and internal structural causes that have led to the weakening of states. For a profound overview, see Dauderstädt/Schildberg (2006): *Dead Ends of Transition.* Frankfurt/M.: Campus.
3. For a comprehensive analysis, see United Nations (2004): *A More Secure World: Our Shared Responsibility. Report of the Secretary-General's High Level Panel on Threats, Challenges and Change.* New York: 23–54.

states are merely fictional. Individual countries and the international community as a whole have dealt with these phenomena in very different ways. Individual countries have invaded failing states to safeguard their supposed interests. Some have taken advantage of the weakness of failing states to secure economic and political gains (for example, in the Democratic Republic of the Congo). Others have acted in self-defense against private actors attacking from the territory of failing states (for example, the Taliban/Al Qaida, Hezbollah, PKK).[4] In some cases, individual states have been invited by federal governments to support their struggles against internal private adversaries (for example, the US in Colombia and Mexico).

The United Nations have developed a complex set of instruments to deal with internal conflicts in failing states. Peacekeeping operations are not only at their all time high,[5] but they have much more »robust mandates,« enabling them not only to use force in self-defense, but to intervene in factional fighting. Even more importantly, UN missions have deepened to a point at which the UN assumes executive powers and builds up administrative infrastructure in post-conflict societies.[6] Peacebuilding has become a major item on the international agenda. New multilateral institutions – for example, the International Criminal Court (ICC) – have been established. New concepts and strategies for state building, transitional justice, economic recovery, and sustainable development are being developed on the basis of lessons learnt from past failures.

Regional organizations have intervened to end internal conflicts (NATO in Yugoslavia, ECOWAS in Sierra Leone, AU in Somalia and Darfur) and

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4. The latter often expressing their »friendship« towards the governments of the attacked states: for example, Turkey's Prime Minister before the air raids in Iraq on October 24, 2007.

5. As of October 2007, current peacekeeping missions involve some 100,000 personnel. »Excerpts from the Report of the Secretary-General on the Work of the Organization« [UN document, A/62/1]«, online: http://www.un.org/Depts/dpko/sg report.pdf

6. For instance, in Kosovo, the UN Special Representative of the Secretary-General (SRSG) determines fundamental policies internally and represents Kosovo internationally. SRSG has the authority to remove elected officials and codify regulations. UNMIK Police provided security and built up the Kosovo Police; the UNMIK Department of Justice prosecuted crimes and created a new criminal code and the Ministry of Justice. UNMIK managed the return of Internally Displaced Persons (IDPs), resolved property claims, provided civil administration, and built up the Central Bank and customs authorities.

struggle to rebuild post-conflict states. In the case of Kosovo, Western states used force and eventually recognized it as an independent state, formed out of the territory of another sovereign state, without the approval of the United Nations.

All these different approaches have one thing in common: They deal with situations in which Westphalian state sovereignty is more fiction than fact. Moreover, they introduce policies that further undermine the letter of Westphalian state sovereignty.

However, a post-Westphalian world order is yet to be established. There is no global consensus on how the international community should address the instability resulting from state failure and internal conflict. Attempts to deal with individual cases have redrawn the lines of the international order, but a new, broadly accepted definition of sovereignty is anything but in reach. Still, sovereignty is used as a shield against external intervention by regimes under pressure. Permanent members of the United Nations Security Council (unsc) sometimes seem to use sovereignty as an argument to protect their interests in client states. On the other hand, the us-led invasion of Iraq discredited even well-intended approaches to »soften« sovereignty and circumvent the unsc as the only legitimizing global body.

Approaches to dealing with failed or failing states therefore still cause political conflict on the global level. The lack of a broad global consensus on how to address these problems often blocks global decision-making processes and undercuts attempts by multilateral organizations to intervene in violent conflicts or to reconstruct failing states.

In what follows, I shall present some approaches to redefining state sovereignty[7] with a view to creating the conditions for the international community to deal with the problems arising from failed or failing states.

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7. This paper will not deal with economic pressures on self-government and decision-making autonomy (material sovereignty) exerted by the global financial and trade order.

Redefining Sovereignty:
Humanitarian Interventions and Human Security

Under the UN Charter, infringement of state sovereignty is permissible only under the strict exemptions of Chapter VII. The various legal objectives of the Charter – sovereignty, the right to self-determination, human rights – cannot be weighed against each other. For the international community to act, the UNSC needs to establish a danger to *international* peace and security.

Starting with Resolutions 688 (Kurds in Northern Iraq, 1991) and 794 (Somalia, 1992), the Security Council made it clear that it was willing to qualify large-scale *internal* human rights violations as a threat to world peace.

The UN missions in the 1990s took this notion even further and established that a minimal standard of human rights was no longer regarded as a »domaine reservé«[8] of sovereign states, thus opening these situations to different kinds of intervention by the international community.[9]

The UN proved that it was willing to use force to defend civilians against mass atrocities. In 1999, the Western powers unilaterally showed that they were willing to use military force to protect Kosovo Albanians from large-scale human rights violations, even without a mandate from the UNSC.

The underlying rationale, to define security as the security of individuals rather than of states, has been further laid out in the concept of *Human Security*. After the paradigm shift in the aftermath of 9/11, human security-inspired language was incorporated in the security strategies of the US and the EU.

The debate on humanitarian interventions sparked massive protests against the alleged »interventionist« Western agenda, complicating international decision-making concerning the right response to large-scale human rights violations. In the Western World, the disastrous mission in Somalia and disillusionment over peacebuilding processes in the Balkans shifted the discourse. Worries over a »peacekeeping overstretch« and growing domestic resentment led to increasing reservations in the West against humanitarian interventions.

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8. Chapter I, Art. 2 VII UN Charter, »matters that are essentially within the domestic jurisdiction of any state.«
9. Debiel, Tobias: »Souveräntität verpflichtet: Spielregeln für den neuen Interventionismus,« in: *IPG* 3/2004: 65.

Sovereignty as Responsibility

Ideological polarization over humanitarian interventions led to the less intrusive concept of »Responsibility to Protect« (R2P), elaborated by the International Commission on Intervention and State Sovereignty (ICISS). In short, R2P redefines state sovereignty, shifting from the Westphalian notion of an absolute »right to control« to a »responsibility to protect.« Under R2P, it will ultimately be possible to trade off sovereignty for human rights, for example, in cases of genocide or large-scale »ethnic cleansing.« If a state fails to protect its citizens in such cases – due to a lack of will or capacity to act – the obligation to protect will lie with the international community. R2P redefines state sovereignty as not an end in itself, but a tool. However, R2P abandons the notion of a »right to intervene« and defines international obligations as subordinate to those of the state. Furthermore, it limits the area of application to a few internationally accepted cases of mass atrocities. Finally, prevention and civil measures are given priority over military means. R2P was endorsed by 150 UN member states in the final document of the 2005 UN Summit.

R2P aims to reform international law in order to give the international community the ability to act if a (failing) state is unwilling or unable to do so. Under this definition, state sovereignty can no longer be abused to stave off international intervention by internal groups or third states trying to protect their special interests. On a global level, it could serve as a starting point for the discussion on criteria for legitimate intervention. The criteria proposed by the ICISS[10] – which were not endorsed by the 2005 UN summit – could be a first step on the way to a much needed global consensus on the establishment of clearer rules, procedures, and criteria for determining whether, when, and how to intervene.

From the beginning, R2P faced criticism as being »neocolonialist,« especially from the Global South.[11] The US-led invasion of Iraq – in itself not sanctioned by international law – has further deepened fears that the concept could be used to legitimize special interest-driven interventions as »humanitarian.« The – ex post – US rationale for the Iraq invasion (to

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10. »Right authority, just cause, right intention, last resort, proportional means and reasonable prospects,« *ICISS Report,* December 2001.
11. Mamdani labels even historical interventions as colonialist; Mamdani, Mahmood: »The Politics of Naming: Genocide, Civil War, Insurgency,« in: *London Review of Books,* March 2007.

protect the Kurdish and Shiite populations) indicates that these concerns must be taken seriously.

Besides these fears on the part of weaker states, the concept has faced resistance from China and Russia, two states that traditionally value state sovereignty and non-intervention. In 2007, China officially signaled its reservations about R2P.[12] However, it also showed some flexibility and softened its non-intervention principle in the case of Darfur, pressuring the Sudanese government into accepting UNMIS (United Nations Mission in Sudan). Its growing commitment to UN peacekeeping missions further underlines that it has overcome traditional doubts and is willing to support interventions approved by the UNSC. Russia, on the other hand, while stressing Serbian sovereignty in the Kosovo case, has not fundamentally broken with the Soviet tradition of using military means to defend its interests. The use of the army in its own Southern province of Chechnya[13] proves that it has not renounced military coercion as such to stop internal conflict. Russian resistance to the concept therefore seems more tactical; for example, it seems to fear it could be accused of gross human rights violations.

Some Western powers, particularly the US, have been lukewarm about R2P, fearing it could establish an obligation to intervene for the UNSC. Others want to extend the principle: »Although R2P was originally intended to deal solely with situations of mass atrocity, if it becomes a standard part of global governance, the principles of R2P unbundled and applied in a different way may have lessons to teach about forging solutions to other shared problems so that the single sovereign state doesn't get in the way of collective efforts [whether one thinks of global warming, terrorism, migration, transnational crime or water management]. This could lead to a new global architecture that would help us achieve shared objectives, thus escaping the Westphalian nation-state straitjacket that impedes real progress toward solutions to today's global risks.«[14]

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12. »Security Council Meeting Record S/PV.5781«, 5781st meeting, November 20, 2007, online: www.securitycouncilreport.org.

13. Russia claims that only forces of the Ministry of Interior operate in the area. However, even a military operation would not constitute a violation of international law and the sovereignty of a foreign state.

14. Axworthy, Lloyd and Allan Rock: »Breathe New Life into R2P. Canada Has Abandoned the Very Principle It Once Championed at the United Nations,« in: *The Globe and Mail,* January 29, 2008. The authors served as Canada's Foreign Affairs Minister (1996–2000) and Canada's Ambassador to the UN (2004–2006), respectively.

This creates an ambiguous position: Some in the West are pushing for the »softening up« of state sovereignty in order to be able to deal with internal conflicts; others are undercutting any legal obligation to intervene in such conflicts.

Nonetheless, a global political consensus is needed on criteria for intervention. R2P can serve as a starting point for discussions, but needs to address fears that it will establish a new right to intervention for the powerful.

Suzerainty: Supervised Sovereignty in International Protectorates

Starting with the UN Mission in Bosnia-Herzegovina, the international community has created different sorts of international protectorates throughout the world. Emerging from internal conflict, the legal status[15] of these entities varies, ranging from established sovereign states (Haiti, Liberia, Sierra Leone, Afghanistan, Iraq) to newly independent states (Bosnia-Herzegovina, East Timor, Kosovo). The degree of local decision-making varies, too, but in all these cases some sort of international supervisory administration has been established.[16] Some international protectorates have been mandated by the UN; others were created by US-led coalitions (and only later mandated). In some cases, formal sovereignty has been returned quickly to the state (Iraq, Afghanistan); others retained supreme international authority (Bosnia, Kosovo).

The diversity reflects the variety of situations on the ground and the different causes that led to the establishment of these international protectorates.

Supervised sovereignty has been practiced in Bosnia-Herzegovina since the Dayton Accords. Formally an independent state participating in a legion of international organizations,[17] material sovereignty is severely restricted by international administration. The High Representative/EU Special Representative has many governmental and legislative powers,

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15. At the time of establishment of the protectorate, in many cases, sovereignty has been returned to local authorities, with significant rights remaining with international »protectors.«

16. See note 6.

17. Including the UN, CE, IAEA, ILO, IMF, Interpol, OSCE, WHO et al.

including the dismissal of elected and non-elected officials. The unmiset mission in East Timor (United Nations Mission of Support in East Timor) had similar rights, but ended in 2005.

International protectorates[18] resemble the un Trusteeship System,[19] but the protected entities are formally sovereign states. The model of »supervised« sovereignty, based on the principle of suzerainty, differentiates between formal (as in legal independence and international recognition) and material sovereignty (as in autonomy and self-government).

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18. Dauderstädt/Schildberg (2006): *Dead Ends of Transition.* Frankfurt/M.: Campus: 17; Chandler, David (2006): *Empire in Denial. The Politics of State-building.* London: Pluto Press.

19. In setting up this International Trusteeship System, the un Charter established the Trusteeship Council and assigned to it the task of supervising the administration of Trust Territories. Major goals of the System were to promote the advancement of the inhabitants of Trust Territories and their progressive development towards self-government or independence. The Trusteeship Council suspended operations on November 1, 1994.

A different sort of sovereignty model can be found in the Palestinian Territories. Not recognized as a sovereign state, it has obtained observer status in the United Nations as an »entity.« The Palestine Authority exercises some sovereign rights in some parts of the Palestinian Territories, but still lacks the full spectrum of sovereign rights.

In Kosovo, the international community found itself between a rock and a hard place: either grant the Serbian province independence – and thereby create a potentially dangerous precedent that might spur other secessionist movements worldwide – or face renewed ethnic violence, as witnessed in the March 2004 pogroms. The compromise model introduced by UN envoy Martti Ahtisaari envisaged an independent Kosovo under international monitoring, that is, a form of supervised sovereignty comparable to that in neighboring Bosnia. However, due to Russian resistance, the plan was not adopted by the UNSC, and Kosovo declared its independence unilaterally on February 17, 2008. The subsequent recognition of a formally sovereign Kosovo by most Western states marked the first broadly recognized[20] secession[21] of a province[22] of a sovereign state since the independence of Bangladesh in 1971. But the lack of consent between the conflicting parties and of a legitimizing UNSC resolution pose a challenge to the international legal order, and reflect an ongoing lack of consensus in the international community. Russia's establishment of formal ties with Abkhazia can be interpreted as a reaction to the recognition of Kosovo. Furthermore, by means of an agreement with the Kosovo government, the EU and NATO retained most of their powers of intervention, creating another de facto international protectorate with substantial limitations on its material sovereignty. To sum up, the Western powers, driven by the situation on the ground, established another international protectorate and put up with creating a precedent under international law[23] against opposition from states fearing secessionist movements.[24]

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20. Northern Cyprus is recognized only by Turkey.

21. East Timor declared independence from Portuguese colonial rule in 1975 before being annexed by Indonesia.

22. Czechoslovakia (until 1992), Ethiopia (until 1991), the Soviet Union (until 1991) and Yugoslavia (until 2003) were constructed as (con)federations of states, giving their republics legal status under international law.

23. To counter that perception, Western diplomats persistently stress the »uniqueness« of the Kosovo case.

24. Inside the EU, Cyprus, Spain, Greece, Bulgaria, Romania and Slovakia voiced doubts over the recognition of unilaterally declared independence. In the UNSC, besides Russia, Indonesia, South Africa and Vietnam stressed concern about the

Supervised sovereignty models seem to be the last resort in conflicts that otherwise cannot be brought to a resolution. They are implemented to stabilize a conflict situation in order to provide space for negotiations. Furthermore, as in the case of Kosovo, ongoing supervision is introduced to address concerns over the creation of a precedent that might spur secessionist movements and ignite »frozen conflicts« worldwide.

However, the peoples concerned seem not to accept these models of supervised sovereignty forever. For many states and peoples, formal and material sovereignty is also a »recognition of their equal worth and dignity, a protection of their unique identities and their national freedom, and an affirmation of their right to shape and determine their own destiny.«[25] Beyond these perceptions, the undefined status of newly sovereign states can hinder development. The European Union, for example, will find it hard to develop coherent policies towards Kosovo that some of its members recognize while others do not.

Thus, suzerainty models do not seem to produce final and sustainable solutions, but supervised sovereignty can be helpful in transitional situations.

Transitional Sovereignty: The Principle of Subsidiarity

In a post-conflict situation, the reconstruction of state institutions and infrastructure requires large-scale assistance from the international community. In failing states, even without establishing international supervisory bodies or claiming legislative rights, as in protectorates, international institutions such as the UN have to provide public goods and organize transitional processes in the absence of any internal authority able to do so. However justified from the perspective of »traditional« international law, these state building and peacebuilding missions still interfere with the material sovereignty of a de jure sovereign state, even if this material sovereignty is only a fiction. In reality, there is little alternative to the exercising of administrative powers by the international community. Thus, the model of transitional sovereignty addresses formally sovereign, but de facto failing states.

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importance of adhering to international law and maintaining the territorial integrity of a member state; Security Council Report N°1, February 13, 2008, online: www.securitycouncilreport.org.

25. *ICISS Report* (2001): 7.

In state building and peacebuilding theory, these external interventions are strictly transitional and will eventually dissolve as domestic authorities resume governance. In practice, however, transitional regimes last longer than initially assumed, creating a new class of sovereignty models: formally independent and autonomous, but informally subject to international intervention.

In order to deal with »transitional phases« in peacebuilding and state building, a set of transitional concepts has been developed.

Most prominently, the transitional justice approach addresses the need for pragmatic solutions to deal with the tension between peace and justice in a situation with weak judicial institutions and limited power of enforcement on the part of the state. Transitional justice takes into account the need to co-opt conflicting parties in order to maintain stability, but also recognizes the need for justice in order to integrate former victims into the peacebuilding process. If a state is not able to provide a minimum of justice, the International Criminal Court claims jurisdiction. In many cases, this is legitimized by the consent of a transitional government and/or the ratification of the ICC statute. Still, the international community exercises – for the most part unrivalled by any national court system – judicial powers and so rights at the very core of modern statehood. However, if national legal trials according to international minimum standards are not attainable, the jurisdiction of international bodies is the only way of bringing to justice the main perpetrators of genocide and other crimes against humanity. The guarantee of a minimum level of accountability, however, is seen as a key precondition of a sustainable peace process. Thus, transitional justice defines how the international community can step in and fill the vacuum created by the collapse of a sovereign state.

Similar policies are promoted in peacebuilding, state building, and economic reconstruction. In order to strengthen peace processes, multilateral institutions help to re-establish functioning state structures. The aim is to enable a society to govern itself, and provide public goods, especially security and stability, which are key in post-conflict situations.

In the transitional period until reconstructed state structures can perform these tasks, the international community provides public goods, but also exercises rights attributed to sovereign states under international law.

In some international protectorates, sovereignty has formally been restored by adopting a new constitution and the return of executive

powers to local governments. Formally, sovereignty has been returned to the people of Afghanistan, Iraq, Haiti, East Timor, and Sierra Leone, but in practice, most policy decisions are heavily influenced by international actors. In the post-protectorate phase of transition, the international community intervenes in domestic affairs on a similar intrusive level, but without formal supervisory rights.

The End of Sovereignty: The Human Empire?

Whereas the current state-centered world order struggles to address zones of instability by cautiously redefining its founding principle of sovereignty, peripheries have been governed historically by a competing model, the imperial order. In an imperial order, by definition, sovereign states defined as entities with autarkic powers and an autonomous internal order cannot exist. The only legitimate source of power is the imperial center, which has the military, economic, and ideological capacity to enforce its universal order – at its sole discretion.

Historically, state sovereignty was »invented« to end a major European (civil) war with a »cease fire«[26] between parties with universal claims, marking the beginning of the end of the imperial world order. Today, sovereignty is under pressure from advocates of universal human rights, establishing suzerain territories effectively governed by the global power centers and their institutional framework.

The discourse on empire was revived after the end of the Cold War by Francis Fukuyama's »The End of History«. Fukuyama traced the subsequent spread of democracy to the victory of political and economic liberalism. In his reading, the promotion of democracy by external intervention, ranging from diplomatic pressure over aid and loan conditionality to military induced regime change and post-conflict state building, could all be interpreted as instrumental in the »universalization of Western liberal democracy as the final form of human government.«

Some observers have focused less on liberalism, but have identified the United States as the new empire.[27] According to Herfried Münkler, the American empire imposes its will on the periphery, but has developed

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26. The Thirty Years War was fought between 1618 and 1648, and ended with the Peace of Westphalia.
27. Münkler, Herfried: *Imperien,* Berlin 2005, Rowohlt.

new forms of governance, leaving it to its sole discretion to enforce its order on the ground.

David Chandler identifies »state building« and »capacity building« as the new instruments of imperial rule. However, imperial rule is not intended, but an officially denied by-product of attempts of the center to stabilize its peripheries. In his view, the Responsibility to Protect is a legitimizing framework, enabling the »empire« to intervene in formally sovereign states at its own discretion.

All these theories have in common that they take the debate on sovereignty beyond the struggle against state failure, internal conflict, and human rights abuses, and put it on a higher systemic level. Leaving aside the »human security« justifications for external intervention, empire theorists would interpret the current push for a redefinition of state sovereignty as instrumental in enabling the imperial center to stabilize its periphery. In this reading, political concepts such as the Responsibility to Protect or Human Security will be further promoted in order to redefine international law, making external intervention in sovereign states more legitimate and so easier to implement.

This is not the right place to engage in an in-depth critique of the empire discourse. However, in order to better assess future developments, it is reasonable to assume that the theorists of empire would probably predict a further »softening« of state sovereignty along the lines outlined above.

But what forces might counter such a development? In the current reordering of the global balance of power, states that traditionally place a high value on the principle of non-intervention are gaining influence. Moreover, China and Russia in particular are not only apologists for a Westphalian definition of state sovereignty, but also stand for a new sociopolitical model. This systemic contest will determine not only the predominant political model of the twenty-first century, but also the future of human security–inspired redefinitions of state sovereignty. Putting considerably less value on individual rights, the advocates of the authoritarian model are unlikely to be enlisted to the human security agenda. China's recent skepticism concerning the Responsibility to Protect – a concept it had endorsed at the 2005 World Summit – could be a prelude to such a development.[28] China's more flexible attitude to the crisis in Darfur, on

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28. »Security Council Meeting Record S/PV.5781,« 5781st meeting, November 20, 2007, online: www.securitycouncilreport.org.

the other hand, could indicate a new approach in Chinese foreign policy that attaches less value to sovereignty.[29]

At present, the imperial order is even less an option. If empire is defined by its capability to enforce an universal order, the failure to do so becomes obvious. The current power centers lack both the capacity and the legitimacy to *enforce* a human rights-centered order around the globe. So at present, and very likely in the future, there will be little alternative to the cumbersome struggle to balance human rights with state sovereignty in order to stabilize an ever more destabilizing state-centered world order.

Conclusion

A vast zone of instability caused by state failure and internal conflict is one of the main global security risks today and in the near future. Many states suffer from systemic crises, and collapse under the pressures of a global economy, civil war, organized crime, and sectarian violence. The effects of climate change will probably worsen this tendency, and create even more failing and failed states.

Driven by the necessities on the ground, new concepts and instruments to deal with conflict in failed or failing states have been developed. Overall, these concepts aim at circumventing the »shield of sovereignty« and at providing stability in transitional processes in territories where statehood is more fiction than fact.

These new concepts that redefine state sovereignty and facilitate intervention are worrisome to many. Some fear a new wave of interventions under the guise of humanitarianism. Others are worried that these concepts make it easier to target them for their human rights records.

However, in most failing states, security for the population, or at least protection against large-scale atrocities, can be provided only by external authorities. Even the skeptics have to answer the question of how to deal with situations with a genocidal aspect.

On the other hand, »uninvited« external interventions violate the sovereignty of the respective state, and can be legitimized, in our current state-centered world order, only by a UNSC mandate. Since an imperial

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29. Kleine-Ahlbrandt, Stephanie and Andrew Small: »China's New Dictatorship Diplomacy,« in: *Foreign Affairs,* January/February 2008.

order is neither feasible nor acceptable for most Western societies, there will be little alternative but to continue the painstaking search for a new balance between state sovereignty and human rights. However, even when specific interest driven frictions are kept aside, there is still no broad international consensus on whether, when, and how to deal with state failure and internal conflict. The lack of such a consensus makes more likely, and sometimes even produces, political blockades of international decision-making bodies, causing conflict in the international arena.

In the long run, several factors underline the need for a consensus, at least amongst the great powers, on how to deal with state failure and internal conflict. Internal conflicts in fragile states destabilize entire regions, and create security risks even on a global level. The inability to stop cases with genocidal aspects further delegitimizes the multilateral order, especially the UN. Under conditions of asymmetrical warfare, the legitimacy of an external intervention is a key factor in success or failure. This legitimacy can be provided only by a global consensus, demonstrated by UNSC approval. China and Russia, both seeking to be global powers, eventually need to assume their share of the responsibility to stabilize the world order. Western powers should abandon their ambiguous approach and reach out to win new legitimacy from world constituencies.

A global consensus on how to engage failing states and internal conflicts will have to take into account fears of abuse by the great powers for their specific interests. However, in a world that could see vast zones of collapsed or fragile statehood, the old Westphalian model of sovereignty needs to be adapted in order to deal with security threats and to protect civilian populations from large-scale killing and mass atrocities.