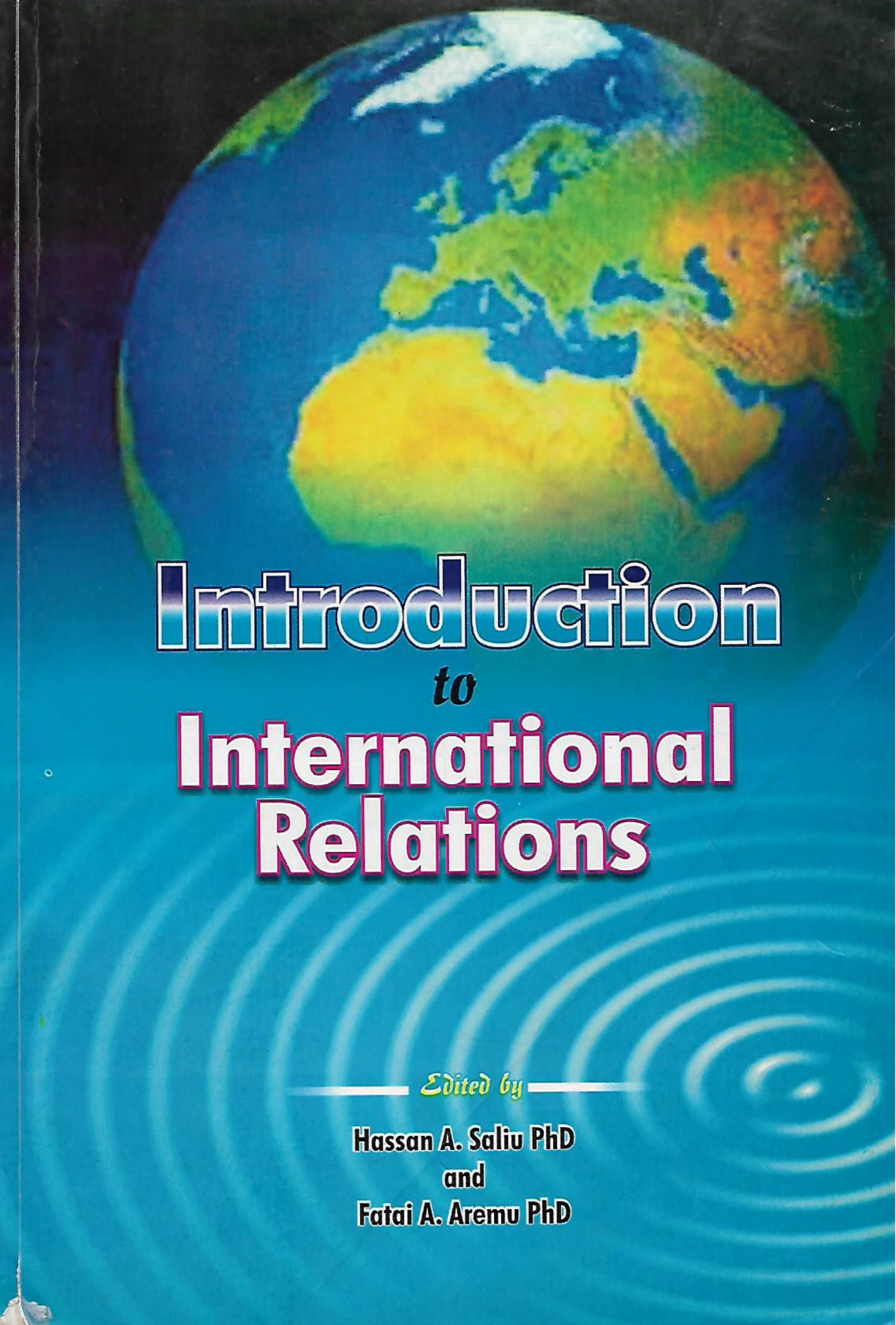




Introduction *to* **International Relations**

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Chapter Six

The Concept of State

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Introduction

The world map illustrates the compartments into which the globe is divided. These various compartments represent the 193 independent states recognised by the UN that are constituent units in global affairs. These units come in variety of shapes, sizes and the degree of influence that they wield within and beyond their respective national boundaries. The sheer differences in the nature, size and capability of states open the concept to different interpretations as to what it is and what it is not. Therefore, the state is basically a contested concept. Its meaning, nature, components and purpose have spurned a great deal of intellectual, theoretical and legal debates for several decades. Three questions are central to the discourse on the state: How can the state be defined with respect to its constitutive components? What purpose does (or should) state serve? How important is the state in relation to other actors in the international system?

With respect to the first question, the answer can be found in the famous Declaration of the 1933 Montevideo Convention of the Pan American Union (now Organization of American States). Article 1 of the Convention states:

The state as a person of international law 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.

This definition is legalistic and reflective of the prevailing situation of the Twentieth Century's preoccupation with issues like self-determination, democracy, legitimacy and attributes of the state (Lowe, 2007). Although the attributes of the state that are identified by the Convention still hold today, the legalistic approach to conceptualising the state is increasingly coming under challenge. In the first place, most states do not (and perhaps have never) sustain these characteristics in full (Weber, 2001). Moreover, it is becoming noticeable that the definition is less than comprehensive enough because it ignores other requisite features of statehood which may include the extent of national cohesion and existence of national identity, the degree of political stability and a reasonable level of social and economic welfare. In any case, even if there had been addition to the attributes identified in the Montevideo Convention, nobody has suggested that any of those previous ones is dispensable or unnecessary. Therefore, we shall stick to that popular notion of the state in this chapter.

Unlike the first question, the second is rather more polarising. Depending on the persuasion of the analyst, the purpose of the state is highly debated. One author identified four strands of thought with regards to the question, "why state?" (1) the promotion of international order; (2) the promotion of its own survival with emphasis on security; (3) the protection of a particular form of political rule, democratic or otherwise; or (4) the defence of dominant class interests and the regulation of the dominant economic mode i.e. capitalism (Frost, 1991). While these four schools of thought are different and sometimes diametrically opposing, they all share the basic assumption that the state is an important and a pre-eminent actor.

There is no gainsaying the fact that the pre-eminence of the state is coming under increasing and sustained challenge from non-state actors. This forms the basis for the third question: is the state *still*

important? No doubt, the world has witnessed an upsurge in the number and strength of non-state actors (see chapter five in this volume). There are several instances in which some influential international organisations subject states to certain forms of control. IMF, WTO and the European Union are a few examples of international organisations that sometimes constrain the sovereign choices of states in international affairs. By the same token, there are multinational corporations whose annual sales exceed the GDP of many states including some developed ones. If these are taken together with the growing effectiveness of international non-governmental organisations (INGOs) at using the internet to mobilise groups and conduct business that states are often powerless to curtail, it would be hard not to be swayed by the argument that the state no longer enjoys the pre-eminent status it used to occupy a century or half a century ago. The question of whether or not the state is still an important actor is therefore germane and worth exploring. These questions are examined in sequence in the following sections.

Components and Attributes of the State

Regardless of the diversity of states, for an entity to qualify to be called a state, it must possess the four characteristics highlighted in the Montevideo Declaration. These include: a definite territory, a government, population and capacity to enter into relations with the other states. These attributes are examined below:

Territoriality

This is the geographic area over which a state enjoys exclusive jurisdiction. The idea of territoriality is central to the conception of the state because other attributes of the state are rooted in it. Sovereignty, for instance, signifies the control that a government exercises over a piece of territory to the exclusion of other states. The problem that usually arise is how to determine which piece of territory belongs to one state and the other. In other words, what right does a state possess to its territory under international law? The answer to this question is simple in the sense that, much like under domestic law where right to

land depends on the lawful possession of title through purchase, inheritance or marriage, states' claim to territory depends on the lawful possession of right of control over the territory. There are two ways of viewing such control in international law. These are through intertemporal law and prescription.

The principle of intertemporal law opines that the legal effect of conduct is to be determined in accordance with the law as it was at the time of the conduct (Lowe, 2007). For instance, since the use of force has been outlawed under international law in the mid-Twentieth Century, a territory that is gained via the use of force, is illegal. Prior to that time, the states that obtained territories through the use of force had legal claims to them. Historically, territories were acquired through several means including Papal pronouncements (as Pope Alexander VI issued papal bulls to assign some territories to Spain in 1493), dynastic marriages (Bombay and Tangier were part of the dowry of Catherine of Portugal when she married Charles II of England in 1662), and sales (as the United States purchased Louisiana from France for 60m Francs, Florida from Spain for \$5m, Alaska from Russia for \$7.2m, etcetera) (Lowe, 2007). Cession, secession, dissolution (as in the case of the former Soviet Union, Czechoslovakia and Yugoslavia) and occupation are other means by which territories were acquired. Supplemented with one form of agreement or another, colonial territories emerged from some of these aforementioned processes.

The other principle by which territorial claims could be established is prescription. This makes up for the imperfections of claims that might result from history. It is based on the belief that if a particular state could be in peaceful possession of a piece of territory for a reasonable length of time, the state is regarded as having good title to the area unless its right of possession comes under challenge. Such challenges could be expressed through diplomatic notes, symbolic display of control (as Vietnam and China periodically does in the Spratly's Island) and movement towards international tribunal for adjudication. This is usually done to prevent acquiescence in which case the counter-claim to such territory could have been presumed dead.

A country enjoys jurisdiction over its territory which includes the land, seas and related marine resources within the 200-mile Exclusive Economic Zone (EEZ) and the air space lying vertical to the land and sea territory. There is no internationally agreed limit on where a nation's airspace ends and the outer-space begins but a commonly used yardstick is the lowest point of a satellite orbit usually around 50-60 miles from the earth (Sassen, 1996; Lugo 1996). The size of territory varies from that of continental-size countries like Russia, China, India and Canada, to micro-states like Monaco, Nauru and Holy See. With the exception of European countries after World War II, there are very few countries that have boundaries that are not contested in one form or another.

Population: One of the cardinal pre-requisites of statehood, is population. Without people to be governed, there is no state. It does not matter the number and size of the population. While there are countries with awesomely large populations like China (1.6 billion) and India (1.2 Billion), there also exists states with few people like Tuvalu (13,000) and Vatican City (Approx. 10000). Most of the people who live in a state are most likely citizens of that state but there are usually nationals of other countries. For certain reasons, some people are often compelled to escape or migrate from one state to another. The pattern of international migration has often been the movement from economically disadvantaged communities to places where there are better opportunities. It is common that states that are multi-ethnic may display a poor sense of national identity. The ethnic minority may experience certain forms of deprivation that often trigger the quest for self-determination, perhaps, through violent means. In any case, the composition of the population speaks to the degree of political stability and order which reigns in a state. States that are monolithic tend to exhibit greater degree of national cohesion and stability than ethnically divided states (Jackson, 1993; Gottlieb, 1993).

Government: The third Montevideo Convention pre-requisite for statehood is the existence of a government. It is important to note that the Convention was silent on the nature of government (whether

legitimate or not, democratic or not, etc.) that is required in a state. Even then, it is possible to infer that the existence of an effective government that is in control of the territory and the population forms the basis for a state (Camilletti, Jarvis and Paolini, 1995). A certain level of constitutional order is necessary for there to be a functional state. It is not yet legally established but states have adopted a practice determining the grounds by which their relationships with other states are gauged depending on the extent of adherence to constitutional rules and democratic practices. Beyond that, when it happens that the ineffectiveness of a government renders that state a security risk to other members of the international community, collective action may be taken even when it "infringes" on the sovereignty of the state in question. This is the case with Somalia where pirates have taken advantage of the failed state to unleash mayhem on seafarers and pose a significant threat to the maritime industry. It is the responsibility of a government to ensure order and stability within its area of jurisdiction and guarantee a minimum level of socio-economic standards for its population. Attainment of these core functions would confer legitimacy on the government and earn its wide acceptance and respect in the community of nations.

Sovereignty

The last criterion of the Montevideo Convention relates to 'the capacity to enter into relations with the other states.' It literally connotes the capacity of the state to make and enforce laws within its territory to the exclusion of any other authority. This has two dimensions. First, it could be viewed as a condition for statehood, and second, it could be seen as the consequence of statehood. With respect to the former, it implies the independence that a state obtains as an entity to be called state without which the state is a nullity. The latter signifies the recognition that a state gets from the other members of the international community as a result of fulfilling the necessary pre-requisites for statehood. The latter notion is significant in the sense that the term *capacity* connotes both right and responsibility on the part of the state. Some entities may possess all other attributes of a state (for example, Lagos, New York, Texas, etc.) but in so far as they lack the capacity to

enter into relations with the other states, they do not qualify to be sovereign states. It also implies that the government of the state would strive to ensure that the recognition of the state by other members of the international system is guaranteed and protected by ensuring domestic stability and constitutionality in addition to abiding by the generally shared norms of good behaviour in world affairs. This was the line that was towed in the recognition of former Soviet Republics by members of the European Union.

Purpose of State

This section probes the question, why state? Depending on the ideological leaning of the analyst, the question evokes considerable intellectual debate. The Marxists are of the view that the state is an artificial and repressive construct which is devised by and for the self-interested minority and which is imposed upon a malleable populace through certain institutionalised agencies like the church, schools, media, etc. (Weber, 2001). The state, therefore, exists to protect the entrenched interests of the dominant elite within a particular socio-economic mode. This formed the fulcrum of the revolutionary struggles that were championed by adherents of Marxism-Leninism in the Twentieth Century. The collapse of the Soviet Union and reversion to capitalism by all the former communist states, questions the logic and validity of the Marxian thought.

The end of Cold War marked the triumph of the liberal view of the state in which the *laissez-faire* principle holds sway. The freedom it guarantees both in the political as well as in the economic domain presents it as a veritable alternative to the radical view on the state. The idea of a "limited state" that only concerns itself with the maintenance of peace and order while allowing for individual initiatives, has become the dominant perspective of the state. By this, the state is expected to perform the key role of providing the enabling environment for businesses to prosper and generate wealth for the people.

Meanwhile, this position has come under serious challenge as a result of the global economic meltdown and the failure of the markets in resolving economic crises across the globe.

Besides the traditional function of maintaining peace and stability, the state exists to ensure that certain basic socio-economic welfare is guaranteed for its population. The extent to which states discharge this responsibility varies from one state to the other. While some states perform quite well, others (particularly in the Third World) fail to offer even the basic minimum standard for decent living.

The classification of some states as 'failed' states (albeit controversial) flow from the perceived lack of their capacity to meet the basic responsibility of a functional state. Even when a state is not designated as having failed, the level of economic prosperity that the state could engender, has implications for its relations with other states. The asymmetry that characterises the relationship between economically strong and weak states is a manifestation of the differential performance on the economic scale. The behaviour of economically weak and dependent states towards the stronger states is often marked by subservience. The stronger states may be obliged to offer guarantees, generous access to aid, favourable trade terms, foreign investment and technical assistance for countries that kow-tows their line of interests (Jackson, 1993; Rosow, Inayatullah, and Rupert, 1994). It is therefore incumbent on the managers of the state to ensure that, beyond the traditional role of maintaining peace and order, the economic development and the prosperity of the citizenry add value to the sovereignty and existence of the state. Some states have failed (or are failing) in the discharge of the traditional responsibilities as the guarantor of the security and order in their areas of jurisdiction.

Can States Fail?

There are several instances in which some states have failed to fulfill their traditional obligations to their citizenry and to the rest of the world. For many years, the Foreign Policy magazine has been publishing the Failed State Index (FSI) which ranks states on the basis of twelve metrics of state decay. State failure occurs in varying degrees and it has several attributes. Among the commonly used yardstick is the loss of physical control of territory or a monopoly on the legitimate use of force. Others include the erosion of legitimate authority to make

collective decisions, inability to provide the basic public services (like water, electricity, good roads, etc) and inability to interact with other states as a full member of international community.

As noted earlier, the Failed State Index (FSI) is based on twelve indicators of state vulnerability. These are: Demographic Pressures, Refugees/Internally Displaced Persons, Group Grievance, Human Flight, Uneven Development, Economic Decline, Delegitimization of the State, Public Services, Human Rights, Security Apparatus, Factionalized Elites and External Intervention. A combination of analysis of data generated on each of the indicators crystallizes into the ranking of states on the basis of their vulnerability to violence and instability (Table 6.1).

Table 6.1: Failed State Index Rankings

2008 FSI Ranking	2010 FSI Ranking	2013 FSI Ranking
1 Somalia	1 Somalia	1 Somalia
2 Zimbabwe	2 Chad	2 Congo (D. R.)
3 Sudan	3 Sudan	3 Sudan
4 Chad	4 Zimbabwe	4 South Sudan
5 Dem. Rep of Congo	5 Dem. Rep of Congo	5 Chad
6 Iraq	6 Afghanistan	6 Yemen
7 Afghanistan	7 Iraq	7 Afghanistan
8 Central Afr. Rep.	8 Central Afr. Rep.	8 Haiti
9 Guinea	9 Guinea	9 Central African Republic
10 Pakistan	10 Pakistan	10 Zimbabwe
11 Cote d'Ivoire	11 Haiti	11 Iraq
12 Haiti	12 Cote d'Ivoire	12 Cote d'Ivoire
13 Burma	13 Kenya	13 Pakistan
14 Kenya	14 Nigeria	14 Guinea
15 Nigeria	15 Yemen	15 Guinea Bissau
16 Ethiopia	16 Burma	16 Nigeria
17 North Korea	17 Ethiopia	17 Kenya
18 Yemen	18 East Timor	18 Niger
19 Bangladesh	19 North Korea	19 Ethiopia
20 East Timor	20 Niger	20 Burundi

Source: Adapted from *Foreign Policy* (http://www.foreignpolicy.com/articles/2013/07/31/2013_failed_states_index_interactive_map_and_rankings). Accessed 30th July, 2013.

Table 6.1 indicates that the top twenty most vulnerable nations are strikingly similar in the three years contained in the table. Somalia tops the chart for the three consecutive years apparently because of its palpable failure as evidenced by the pirates controlling its waters, Islamic militias ruling its streets and a general rein of lawlessness and chaos. Other countries on the chart simply rotated the rank signifying that state failure is a chronic condition that is quite difficult (though not impossible) to shed. In order for states to reverse failure and vulnerabilities, there is need to consistently build institutional capacity in terms of the military, police, civil service, judicial system and leadership capacities. In addition, there is also the need for such states to address the underlying socio-economic and political issues that breed violent conflicts among groups within the state. Meanwhile, it is possible, given the nature of international politics, for these rankings to be coloured by the interests of the dominant power states; the reality of the situations may have been exaggerated.

Is the State still Important?

The Marxists have long hinted that at some points in human development, the state will 'wither away'. While the cause of demise of the state (via class contradictions, et cetera) as enunciated by radical thinkers, has not been borne out by empirical reality, some elements of 'withering' state authority, albeit in a different fashion, are becoming manifest. The revolution in information and communication technology has posed enormous challenge to the capacity of the state to maintain a monopoly of control over transactions that take place within national frontiers. From trade to medical diagnosis, marriage counseling to merchandise sales, the internet has become a place where things get done, deals concluded and contacts established without the usual recourse to the designated institutions of the state. This has led some analysts to pose the question: is state still important in international relations?

Given that since the post-Westphalia emergence of state system, there has never been any serious challenge to the authority of the state as the primary medium of exchange in the international system, the Twenty-First Century phenomenon is not only unique; it is thought-provoking. Most theories in international relations put the state at the

center of analyses. The state-centric bias of those theories is reflective of the prevailing circumstance at the time that they were propounded. The situation has changed significantly and subsequent events have made the state-centric models come under intense intellectual challenge. This is partly because the world has witnessed the rise in the number and influence of non-state actors that now compete for space in international affairs; a phenomenon that is not adequately accounted for in most existing body of theories. Let us take some international organisations as examples. The International Monetary Fund, World Trade Organization and The World Bank wield so much influence over the economic and trade policy choices of states (including giants like Russia and China) that any invocation of Westphalian conception of sovereignty would be tantamount to movement against a solid wall—no motion.

Beside the constriction of sovereign space of states by international organisations, transnational corporations have grown in number and strength that states have limited choices when it comes to issues of international trade, investment and other economic-related matters. To the extent that economic issues have gained tremendous importance in the post-Cold War world affairs, the multinational corporations have had their power credentials significantly magnified. States now have to take cognisance of the interests of the multinationals when deciding on policy alternatives. When state objectives conflict with those of the multinationals, it is more likely that the state (particularly developing ones) will bend backwards to accommodate and align with the multinationals in order to avert capital flight and destabilisation of the domestic economic system. Relationship between the host state and MNC usually extends to the parent state of the MNC and even to other states that have interest in the MNC in question. With huge resources at their disposal (which sometimes exceeds the total budget of the host state), MNCs have immense capacity to influence domestic policies of the host states. Even though sovereignty still lay in the state, its application is seriously tempered by the operations of the MNCs.

On issues such as human rights, disease, pandemic, environmental degradation and climate change as well as other issues that have trans-boundary effect, international non-governmental organizations

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(INGOs) have risen as a veritable force to address them in such a way that renders the traditional notion of state sovereignty untenable. Their immense power of mobilisation and advocacy (further strengthened by the ICT revolution) has given the INGOs ample space in policy circles. They monitor compliance to international treaty obligations and good conduct among states, deploy enormous resources to research and attract tremendous publicity through their activities. The exercise of sovereignty by states is constantly being put in check by the existence of such organisations. On a less positive note, the activities of terrorist organisations and trans-boundary crime networks whose operations have been aided by the globalisation wave, cannot be discounted as a source of challenge to state sovereignty. All these have tended to restrict the capacity of states to take full control of events and issues as it used to be in the immediate post-Westphalia era.

While the points highlighted represent enormous challenge to state's claim as the unrivalled sole actor in international affairs, the state still remains the paramount actor, in the sense that, all the other actors derive their relevance (and indeed their existence) from their connection to or interaction with the state. Issues that capture the headlines and attract sustained attention are those that connect with the state. Let us assume the following headlines: "The US issues ultimatum to Iraq," "EU bans British beef imports," "Israel warns Iran," "Greenpeace squabbles Japanese vessel on the high seas," "Al-Qaeda strikes American bases," and so on. These sort of headlines will capture global attention than those concerning rival factions of a crime network or terrorist organisations attacking one another. Suffice to say that even the INGOs and other non-state actors derive their significance from their interactions with the state. While the world has changed significantly leading to the emergence of a number of formidable forces in global affairs, the state continues to retain its primacy as the epicentre of activities in international relations. In so far as the state is sovereign, the state remains the most important actor and the buck will ultimately stop at its table. Therefore, it remains the key unit of analysis in International Relations.

Conclusion

The modern state has evolved from what it used to be in the period after the Treaty of Westphalia. Its nature and responsibility has equally changed from what it used to be in the Cold War years. The authority of the state and its monopoly of decisive action is constantly being challenged by formidable non-state actors. In this chapter, we engaged the changing nature of the state in global politics. Three questions were posed: What is state? Why state? Is state still important? These questions were generated against the backdrop of presumed decline in the traditional powers of the state consequent upon the emergence of other powerful forces in international affairs. With respect to the first question, the Montevideo Convention provides a useful, if contestable, answer as to what the state is made of (or should be made of). The various attributes of state highlighted in Montevideo Declaration continue to constitute the basis for the possession of statehood.

The second and third questions are more contentious. Perspectives on the purpose of the state are a function of the ideological orientation of the analyst. While radical scholars view state as nothing more than the machinery of oppression of one class by another, liberal writers perceive the state as the agent of development whose role as the regulator and guarantor of peace and order is necessary for the survival of human civilization. The collapse of the Soviet Union and other communist regimes has somewhat dented the plausibility of leftist ideology with respect to the purpose of the state. The post-Cold War international system has witnessed the wide acceptance of liberal perspectives of the state. With the globalisation of political economy, not only is the role of the state being transformed, other forces have risen to 'usurp' parts of the domain that used to be the exclusive preserve of the state. The third question on the importance of the state arose from the phenomenal changes that are taking place in the post-Cold War world. As long as the state retains its sovereignty with respect to power to tax, regulate, license, deny access and set the basic rules and define the parameters for all the other actors in the international system, it will continue to be the most important player in global affairs and subsequently, a key unit of analysis in International Relations.

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