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2 Nation and state

Understanding the process of nation-building starts with understanding the concept of the nation. And with the nation the state comes in, at least in our modern world. This chapter discusses the different understandings of the nation and the state: What is a nation? What are the indicators to identify a nation? What are the decisive moments in the making of nations? What is the distinction between a nation and a state? And what similarities exist between nation and state? Do they mutually presuppose each other? At the end of this chapter we will discuss to what extent the process of globalization affects the nation and the state.

The Montevideo Convention: The defined state

In international relations, the term 'nation' is part of common speech, but its exact meaning remains undefined. There is no international agreement that unambiguously defines the concept of the nation. A definition of the concept 'state' does exist, and is included in the Montevideo Convention on the Rights and Duties of States (1933).¹ Article 1 reads: '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.' These factual qualifications can quite easily be described and proven. Yet what are the roles that states must fulfill? This book focuses on the responsibilities of the state towards its citizens. After all, that is the recurrent focus of the international community's efforts at providing stability in fragile states: How can we build a state that meets the needs and aspirations of its citizens and thus take away the root causes of fragility? In this perspective of the relationship between the state and its citizens, we will refer to five basic functions:

- 1 creating space for participation in political decision making so that the polity becomes inclusive and open for citizens;
- 2 providing security for people against outside and inside aggressors and criminals;
- 3 providing justice so that people are treated as equals, fairly and without discrimination;

1 Original text: <https://treaties.un.org/doc/Publication/UNTS/LON/Volume%20165/v165.pdf> (accessed 25 January 2016)

- 4 providing basic social services that enable people to live their lives in dignity;
- 5 creating an infrastructure to facilitate economic life and making rules to let economic life be fair.

The undefined nation

National identity is a living, dynamic reality. The French increasingly identify themselves as a bulwark against what they consider the Americanization of Western Europe. It is a new feature of their identity triggered by the new context of US influence in the world. Protecting their culture (film, language, food) against the increasing presence of Hollywood, Anglicism and fast food became part of their national feeling since the beginning of the 1970s. But who can tell whether it will still be part of the French identity one hundred years from now? The number of English courses taught at French universities is increasing to keep up with the internationalization of education and the job-market. Over the last 30 years, the Netherlands saw itself as a progressive nation, addressing and promoting issues like abortion, euthanasia and gay marriage among the family of nation-states.² It is part of the Dutch identity to be a frontrunner in the international debate about these moral issues and it exists side by side with older identifications as a nation that has successfully fought against the water and liberated itself from the Spanish in the Eighty Years' War.

Nation and national identity are strongly interlinked. As said, 'nation' as a concept does not have one shared and generally accepted definition, its meaning remains contested by different strands of scholarship. With this book, I position myself within the constructivist school of researchers, who contend that the nation is a construct, built and altered by people to define the identity of a political community in ever-changing circumstances.³ This construct is a mixture of old and new, of traditional elements and new inventions necessary to build a contextual story of 'we'. The constructivist approach is well aware of the historical components of national identity and the importance of historic and legendary myths and heroes serving as a foundation for that identity, without taking these historical ingredients as the fixed and decisive elements of nationhood. The constructivist position

2 In Dutch policies of development cooperation, sexual and reproductive rights (right to abortion, LGBT-rights) are one of the official priorities.

3 Jackson-Preece 2010, p. 17.

is probably best reflected in Benedict Anderson's definition of the nation as 'an imagined political community – and imagined as both inherently limited and sovereign'.⁴ In this notion of 'imagined community', Anderson refers to the fact that the nation is a community of people who are connected to each other and who belong to each other without necessarily knowing each other.

By taking a constructivist position I do not mean to exclude the merits of other currents in academic thinking on nations and nationhood. My arguments also draw on important representatives of the primordial approach (Smith 1991) and the materialist position (e.g. Gellner 2006⁵; Hobsbawm 1992⁶). Anthony D. Smith, who defends a more primordial position regarding the identity of a nation, describes a nation as 'a named human population sharing a historic territory, common myths and historical memories, a mass, public culture, a common economy and common legal rights and duties for all members'.⁷

It is interesting to connect the definitions of the *nation* given by Anderson and Smith to the definition of the *state* in the Montevideo Convention. By using the words 'community', 'limited' and 'sovereign', Anderson succinctly refers to the first three constituting elements of the Montevideo definition: Nation is about a population in a limited physical territory and there is some sovereign authority that governs the population in that territory. Smith refers to the first two elements of the Montevideo definition by talking of a population and a territory. The third element, 'government', seems to be implied in the common legal rights and duties for all members mentioned by Smith. What is missing in both Anderson's and Smith's definitions is the notion of international relations: A nation, so their definitions suggest, does not necessarily have to enter into relations with other nations. 'Nation' is first and foremost an internal notion, referring to the sovereign community living within a certain territory. As the flipside of this, it is noted that the Montevideo Convention in its definition of a state makes no reference to identity or culture to describe the qualifications of the state. Up to today, states in their international relations are very reluctant to interfere in matters of identity and culture: these are deemed internal issues.

What the notion of the nation adds to the definition of the state in the Montevideo Convention is thus the importance of culture or identity

4 Anderson 2006, p. 6.

5 Gellner 2006.

6 Hobsbawm 1992.

7 Smith 1991, p. 43.

– referred to by Anderson with his qualification ‘imagined’, by Smith through the words ‘historic’, ‘myths’, ‘historical memories’ and ‘culture’. For both authors, the nation is more than a factual description of numbers, square kilometers and institutions. The nation is about identity, who we are in the sense of ‘self-identification’. The nation has to do with something subjective, even if it is a collective subjectivity, distinct from the objective features of states. This is not just adding a new element, but fundamentally changing the notion of ‘nation’ compared to the notion of ‘state’: The state is about institutions, structures and systems, the nation is about identity; the state is about a collective objectivity, the nation is about a collective subjectivity.

The difference between the primordial and the constructivist perspective of the nation lies in the historical roots of this collective subjectivity. For Smith, the national identity has historic roots that go back to times before the modern nation-states. For constructivists like Anderson the nation is the result of a construction and invention, not the result of an process of preserving something from the past into present and future.⁸ The nation is not something tangible like a historical artifact, brought into light by archeologists. It is brought into existence by people who are actively pushing for a nation and are bringing together the elements to construct it. At the same time, in the process of constructing the nation, it may well be important to deliberately forget those elements in culture, history and narratives that do not help the construction of a shared, national identity. The construction of national identity is therefore a process of selection, bringing together those elements that fit well together to create an identity people can and wish to identify with and leaving out elements that could disturb a coherent picture. The efforts to trace back the nation into history, to link the existing nation to its historical roots, are deliberate actions to underpin a national identity of an actual living community with historical events, persons and narratives.

Nation and state intertwined

The nation and the state are not one and the same thing. And yet, comparing their definitions and considering the elements they share, it is clear that in modernity nation and state are strongly intertwined. This is the reality as described by Hobsbawm and Gellner: Today we can only speak of the nation in the connection ‘nation-state’. It does not make sense to refer to

8 Anderson *ibidem*.

them as separate entities. The nation is a modern phenomenon, to be understood within the framework of a modern world of nation-states. Nation emphasizes the (collective) subjectivity of the community that forms the nation; it is about identity, imagination and culture. The state is objective; it concerns people, territory and institutions. The peace treaties of Westphalia in 1648 laid the foundation for the intertwinedness of state and nation by deciding about the religious identity of this novelty it created, the sovereign state. The Westphalian Peace treaties built on the Augsburg settlements of 1555, in which the principle *cuius regio, eius religio* was agreed. But if we cannot speak about nation and state as distinct entities, how can we understand their mutual relation? And if they really are intertwined, how can we understand the linkages in both directions?

Does the state presuppose a nation?

The Montevideo Convention defined the state without referring to the nation or to elements that are vital to the nation (culture, identity). To regulate international relations, as is the purpose of the Montevideo Convention, there is no need for states to be clear on the nationhood of another state. If national identity is an issue of internal concern, the question of nationhood is not another state's concern. The principle of non-intervention applies.

But from the perspective of the state itself, the answer to the question whether the state presupposes a nation is less clear. In a first approach to this issue, nationhood is necessary for the state to build its authority over its people (and its territory) on solid ground. Nationhood is a necessary prerequisite for the state to be able to create the sense of belonging needed for people to voluntarily accept the authority of the state – to make them pay their taxes and obey its laws and regulations. The sense of belonging that is based on nationhood makes that people can imagine being prepared to die for their country.⁹ Without nationhood the state is bound to resort to coercive and authoritarian measures to maintain its authority.

A second approach is less unequivocal: In the modern world that emphasizes – if not celebrates – people's individual autonomy, questions of culture and identity have become increasingly individual and less collective. Large-scale migration adds to this shift. Nationhood is becoming problematic given the diversity of people and cultures that find themselves within the borders of one nation-state. One may even wonder whether it is at all still

9 Anderson 2006, p. 7.

necessary to create nationhood and a sense of belonging. If the state is able to operate as a rational contractor to its people, providing security, justice and social services, that may be enough to build the necessary loyalty that makes people pay their taxes and obey the laws. The conflict that the immigration countries of Western Europe are faced with boils down to this issue: To what extent do we expect migrants to become part of the nation and adopt the national identity? Up to today the attitude has been that migrants must adopt the social and political system (democracy, human rights, gender equality, individual freedom) of our modern nation-states. Integration is about the systemic and institutional nation-state, adopting its laws and regulations. But the requirements go deeper. The European nation-states do not accept migrants to remain in a mere contractual and juridical relationship with the state. The notion of *Leitkultur* has emerged from the debates to describe the culture and identity of the host society as the dominant one – and the one that the migrant must accept – while the culture and identity of the migrant community is supposed to remain subordinate.

I argue in this book that the state needs the nation and that this notion of nationhood should be an inclusive one: The institutions of the state and its monopoly on violence and coercion require a sense of belonging and identification of the people, that is embodied in the nationhood. But that identification should be inclusive and be the result of a deliberative process of all who live in and are citizens of that nation-state. There is no historic identity to adopt. Migration and diversity do not make nationhood obsolete; they make belonging more complex and challenging. Without investing in that sense of belonging, societies run the risk of fragmentation and of decreasing legitimacy of the state.

Does the nation presuppose a state?

Can we imagine a nation to exist without the state and its institutions? Especially for those who emphasize the nation as rooted in communities and as having existed long before the modern state was created, the nation is a reality and does not need a state to exist: The legitimacy of a nation lies in a shared identity of its people, distinct from other groups. Adrian Hastings¹⁰ refers to the British identity as a reality that developed gradually from the 12th century onwards, long before the state and its institutions came into

10 Hastings 1999.

existence. For the scholars who adhere to a more primordial perspective on the nation, the deep historic roots of the national identity (myths, holy places, buildings, territory) are underpinnings of the claim that the nation is a reality apart from the existence of the state. Ephraïm Nimni clearly differentiates the two when he says: '... we use the term nation as transposable with the term state. This assumption is prevalent around the world but it is based on an error. A state is an apparatus of governance and a nation is a cultural community'.¹¹ Castells refers to the example of Catalonia.¹² The notion of being different from the Spanish is rooted in history and in the Catalanian language. 'Being different' is expressed through symbols like an anthem and a flag. The Unrepresented Nations and Peoples Organization (UNPO)¹³ acts as the representative of nations that aim for international recognition. Often their ambition includes a claim to statehood in order to be able to live the identity to the full and without constraints.¹⁴ The example of the Kurds is a case in point: The promotion of the national identity (culture, language, myths) of the Kurds, who live in Iraq, Turkey and Iran, includes the ambition to form a new state. Similarly, the movements in Scotland and Catalonia aim for an independent state because they consider their national identity to be different from that of Great Britain and Spain. Federal structures and far-reaching autonomy within the nation-states of Great Britain and Spain are seen as insufficient.

A decoupling of nation and state would reduce the relation between the state and the citizen to a mere contractual and juridical one. To some extent, one could argue, this is the current reality considering today's dominant rational-economic instrumentality that translates nearly every value or relationship into economic and financial worth. However, in a purely contractual relationship, the state would not be able to build on the loyalty of citizens beyond the terms of the contract. In times of crisis and hardship, citizens may simply turn their back to any demands from the state, unless they calculate that there is a benefit in responding to the state's requests. From the calculating perspective of the citizen, s/he would create a benchmark to decide which state offers the best conditions and the best services. This is already happening, witness wealthier citizens

11 Nimni 2007, p. 55.

12 Castells 2010, p. 45-53.

13 <http://www.unpo.org/> (accessed 18 October 2014)

14 Different is the case of the indigenous people in the US and Canada, often called First Nations to identify them as the original inhabitants. Based on treaties with colonizers they have been granted rights on territories and connected resources (fishing and hunting). Building an independent state to express their national identity is not the issue.

who deliberately choose where to live based on a cost-benefit analysis, e.g. which nation-state offers the optimal return on investment (services in return for taxes)? From the perspective of the citizen, a decoupling between nation and state would leave a person without a sense of belonging to a wider community. In contrast to the 'imagined community' of Anderson, my sense of belonging would be limited to those people that I know in person, a circle not much wider than my direct community of family, colleagues, friends and neighbors. This means that there is no emotional bond between the citizen and the wider society or state of which s/he is part.¹⁵ One could contend that in the highly individualized Western world the role of the nation as imagined community is no longer so important. However, I would object that the emergence of nationalist movements all over Europe confirms that the atomization of society has its limits. For the citizen a mere contractual relation without further loyalty makes him or her vulnerable. The bedrock of citizenship, that is the obligation of a state to take care of and maintain a relationship with each and every citizen even if s/he is a criminal or an outlaw, will come under pressure if the relationship is reduced to merely a contractual one. We could end up in a world where states take the liberty to end the contract with individual citizens who do not fulfill their obligations.

Earlier I stated that both Anderson and Smith include the first three qualifications of what defines a state according to the Montevideo Convention in their concept of the nation. The nation, therefore, is about a people, a territory and sovereignty. In modernity this intertwined reality of nation and state, of objective collectivity and subjective collectivity, has become ever more inextricable because the state fulfills certain functions that help to materialize a sense of belonging that is fundamental to nationhood, that is, it provides security, justice and social services. By virtue of being a member of the nation-state, one is entitled to these provisions. The issue of double nationality explains the importance of this membership of the nation-state as the basis for being entitled to services of the state. Unlike some scholars who contend that, based on a strict connection of nationhood to identity, nations can exist without a state,¹⁶ I believe that having a national identity without a state is problematic in the modern world.

¹⁵ Nussbaum 2013.

¹⁶ Nimni 2007, p. 55-66.

In our current modern world, nation and state are therefore inextricably intertwined. In the relationship between the nation-state and its people, there are four important grounds for legitimacy:¹⁷

- 1 as the expression of people's sovereignty in exercising political power;
- 2 the people as holding equal rights before the law;
- 3 the people as a group of obligatory solidarity for mutual support;
- 4 the people as community, united through a common destiny and shared culture.

These legitimacy grounds are intertwined and cannot be disentangled. An active affirmation of the sense of belonging and of togetherness with one's fellow citizens is necessary to build the relationship amongst citizens and between the citizens and the state that serves as the solid base for the state to act legitimately.

War and the making of the nation-state

The nation-state as we know it today is historically linked to the Westphalian peace treaties of 1648 that made an end to both the Thirty Years' War in the Holy Roman Empire and the Eighty Years' War between Spain and the Dutch, with Spain formally recognizing the independence of the Dutch Republic. The belligerent parties solved their long-drawn disputes about territory and religion with a novelty: Sovereign states governed by a sovereign who enjoyed full authority over his territory and who was entitled to decide which religion would be adhered to in his territory. The making of the nation-state was the result of war, reflected in Charles Tilly's famous statement: 'War makes states and states make war'. According to his research, state-making happens as the result of a process of rivaling factions vying for power by using violence, when one of the parties manages to establish its authority and power in the disputed territory. After that, the process of organizing a state, building its institutions, and acquiring legitimacy begins. In other words, the making of the nation-state was not an orderly process of design and negotiation, but one of different 'organized criminal groups' trying to seize power.¹⁸ Accordingly, Max Weber stressed that what

¹⁷ Wimmer & Glick Schiller 2002, p. 308.

¹⁸ Tilly 1985, p. 169-191.

defines the state first and foremost is its 'monopoly of the legitimate use of physical force'.¹⁹

The violent origin of the nation-state is a recurrent fact in history. The independence war that led to the formation of the United States, the wars that split up the Spanish colonial power in Latin America into independent states, the liberation wars in the English and French colonies in the 1950s and 1960s, the Balkan wars in the 1990s and the liberation war in South Sudan are all testimonies of the intimate relationship between violence and the formation of nation-states.

However, in the 21st century, war is increasingly considered an illegitimate means to sort out political rivalry regarding the dominance of power in a country or territory. The idea of 'Give war a chance'²⁰ does not receive broad political support at the level of the international community. The humanitarian consequences are too dire and the destabilizing effects of civil war that spills over to neighboring countries and regions are too serious. This is an important and consequential change in attitude, which is reinforced by the Responsibility to Protect principle adopted by the United Nations in 2009, which means that sovereignty no longer exclusively protects states against foreign interference.²¹

There is a second important change in the process of forming nation-states, and that is the time factor. The current European nation-states developed gradually in a process that took more than three centuries since the signing of the Westphalian peace treaties. State institutions developed and rulers and ruled negotiated their relationship and created the legitimate basis for the state by an internalized acceptance of the system of domination.²² In today's fragile states, the process of nation- and state-building takes place in a pressure cooker environment. In a mere couple of decades they have to build a nation-state that can play its role in the international community according to internationally adopted standards (following International Human Rights Laws and democratic standards) and that performs the basic functions towards its citizens. The time to sort out internal rivalries, to find new and stable configurations in the sharing

19 Weber 2013, p. 7.

20 In an article 'Give war a Chance' in *Foreign Affairs*, volume 78 (1999) no. 4, Edward Luttwak warned against premature peacemaking, contending that war is a necessary phase in the process of sorting out the tensions and rivalries in former Yugoslavia.

21 http://www.jochenhippler.de/html/ethnicity_state_and_nation-building.html (accessed 28 August 2014)

22 Jung 2008, p. 34. http://subweb.diis.dk/graphics/Publications/Reports%202008/R2008-11_State_Formation_State-Building_Sociology.pdf (accessed 25 January 2016)

of power is very limited. There is ample evidence that this time-pressured process is a very challenging one.

An ideal model for the nation-state?

The time factor is one challenge, another more fundamental question is whether the building of nation-states in fragile contexts like Afghanistan or Mali should follow the model of Western European nation-states and take this as its benchmark. The unique historical process in terms of cultural-religious and socioeconomic circumstances that led to the Western European nation-state should be considered as non-replicable. There should thus be space for different trajectories of nation- and state-building taking place today – and different outcomes. However, three factors limit the room for difference.

First, the Western nation-states influenced nation-state making in the rest of the world, and continue to do so. The colonial rulers built state institutions in the colonies that were a blueprint of the institutions back home. Later, in the 1990s, the international development community's good governance agenda²³ tied aid to building governments and state institutions according to the models of the Western European state. Development aid came with clear political and economic conditionalities. The good governance agenda was later on watered down somewhat into a good-enough-governance agenda, leaving some space for development according to national convictions and political ideas of the recipient countries.

A second influence is the notion of a global community of nation-states, a family bound together by the United Nations system. This community of states requires a set of common standards that define the entry-threshold to gain membership. A key factor for eligibility is the legitimacy of the state, which is closely linked to certain well-functioning state institutions. Common standards and institutions are also important to facilitate the relationships within the family of nation-states.

The last and most important influence comes from within non-Western countries themselves. During my ten years as chief executive director of a major Dutch development organization, I met people sharing common values across the globe: Women in Afghanistan want to have a voice in the public arena, villagers in Ghana want to decide on education, health care and infrastructure in their village, and indigenous people in Guatemala

23 Santiso 2001.

want to be treated as equal, not as second-class citizens. Everywhere in the world, especially in fragile states, people expect the nation-state to provide security and justice, to treat people equally, to take responsibility for providing basic social services and to build the infrastructure that is necessary for an economy to flourish.²⁴ These strong demands and expectations are the reflection of an implicit ideal of what the nation-state should be and should do. Here expectations of citizens within countries meet ideas and designs developed by the international community.

An ideal model of the nation-state – and of what ‘good governance’ entails – may thus exist at a certain level, but it is very important to distinguish between the values, the norms and the forms of that ideal of a nation-state. There are broadly shared values about human rights, democracy and justice. The basic values of legitimate and effective government that citizens in Asia or Africa adhere to are not that different from what people in Western Europe expect. The communication revolution and the rapid increase in international migration have both contributed enormously to recognizing shared ideas and values across nations and continents. In international relations and development cooperation it is important to let go of the idea that the West has to teach these values to the rest of the world: values of human dignity, freedom and democracy are not foreign to the rest of the world.

However, there are differences in the norms to translate these values into laws and regulations that guide the day-to-day practice of government and the relationship between government and society. Community-oriented and religious societies in Africa and Asia will translate the shared values into different rules and regulations (norms) than the individualist and secular societies of Western Europe. The Ubuntu culture in certain African societies, which gives primacy to the interests of the community, will lead to a different outcome when translating democracy or human rights into practice. Women in Afghanistan share, on the value level, the need for women to play a role in the public sphere and wish to end the subservient position of women in society. However, the norms to implement these values are different from those that guide Western women in their fight for a stronger position in society.

In terms of the forms there are even more variations, even within Western Europe. The presidential system for democracy for instance is quite different from the Dutch system with a prime minister. The federal system of Germany is different from the federal system of Switzerland. Some African countries have reinstitutionalized traditional forms of government

24 Lotz 2010 p. 219-236.

and incorporated them into their governance system in search of a new blend of 'modern' Western governance systems and 'traditional' indigenous systems.²⁵

This distinction between values, norms and forms is very relevant for a meaningful debate on good governance and state institutions. For too long, the three were considered one and the same thing, a package that needed to be implemented indiscriminately in order to belong to the good governance community. However, as long as, for example, it is assumed that values on gender equality can only be implemented through a model that is copied from Western societies, there will be little chance for a real dialogue.²⁶ It is my conviction that a model of an ideal nation-state exists indeed, however, only at the level of values. When translating values into norms and forms, there is no single recipe that makes the ideal nation-state a reality.

The nation-state in a globalizing world

By the mid-1990s, Kenichi Ohmae predicted 'the end of the nation-state'. However, we are well into the new millennium and the nation-state has all but disappeared. It is undeniably true that, as a result of globalization, the nation-state has lost some of its weight in international and domestic issues. In the economic domain, the examples are legion. The free movement of capital and the flexibility of transnational corporations escape the regulating role of the nation-state. The financial crisis in the second half of the 1990s and early 2000s (Asia, Russia, Mexico, Argentina) showed the lack of control of nation-states. The fact that many industrial companies have transferred their production to China is something that the Western European nation-state can do little against. The World Trade Organization (WTO) has created a set of binding international trade rules that limit the economic policy space for the nation-state. At the political level, too, globalization brings about change. Regional bodies have gained in number and influence; from the African Union and Ecowas in Africa to the European Union, from Mercosur and Alba in Latin America to ASEAN in Asia, it is widely acknowledged that countries on their own have less and less

25 Boege, Brown, Clements & Nolan 2008; http://www.berghof-foundation.org/fileadmin/redaktion/Publications/Handbook/Articles/boege_et_al_handbook.pdf (accessed 25 January 2016)

26 Cf. the receptor approach of Tom Zwart: Using local culture to further the implementation of international human rights: the receptor approach, *Human Rights Quarterly*, 2012 34 (2), p. 546-569.

impact in the international political arena. They need to form alliances to defend and foster their interests – alliances that require a give-and-take attitude of compromises. Also in the domain of international law there is increasing space for citizens to claim their rights beyond the confines of national law. The European Court of Justice and the European Court for Human Rights are well-known examples of institutions used by citizens to challenge national jurisdiction. Finally, in the domain of security, regional arrangements (NATO, ASEAN) have been since long established to provide mutual support in case of foreign aggression.

All these realities, however, do not make the nation-state redundant. I do not believe that the role and functions of the nation-state have become obsolete or have been taken over completely by other actors. No other actor takes responsibility for providing security, justice, basic social services and infrastructure to the citizens of a nation-state. The European Union, widely seen as the most ambitious project of intergovernmental governance, continues to struggle with its domains of authority. Ever since the problematic 2005 referendum about the European constitution, member states have become increasingly reluctant to hand over more responsibilities to 'Europe'. It is telling that, while the average state budget in European countries equals 40% of GDP, the budget of the European Union is only 1% of the total European GDP. Issues that are vital to citizens, like health, education and welfare, have remained national.

The changing map of the world

There is no square kilometer of land on this planet that is not assigned to a nation-state. Even if some borders are disputed, the general consensus is that every piece of land should be governed by a state that has authority and responsibility over it. At the same time, this constellation of nation-states is not fixed, but an ever-changing reality. In the past decennia too, new borders were drawn on the world map. The breaking up of former Yugoslavia into six independent nation-states meant a major change in the map of Europe. The collapse of the Soviet Union also created a series of new nation-states. The division of Czechoslovakia into two nation-states was a smaller and less bloody event. The current ambitions in Scotland and Catalonia and the process of federalization in Belgium may lead to the creation of more new nation-states in Europe. In Africa we have seen the partition of Sudan after more than twenty years of war and the *de facto* creation of new countries out of the chaos of Somalia. In Asia, Timor-Leste

was the result of an unfinished decolonization process and a subsequent violent conflict. Some of these processes were peaceful (Czechoslovakia), many of them were violent (Kaukasus) and in some cases the creation of new nation-states itself happened rather peacefully but was followed by internal wars within these newly created states (Nagorno Karabakh – Azerbaijan; Georgia – South Ossetia; Moldova – Transnistria). A new map of Palestine is still not drawn, and also the nation-building of the Western Sahara is an as yet open-ended aspiration.

What the changing world map tells us is that the process of nation-building is complex and volatile. Even while trying to create a feeling of togetherness and belonging, a shared identity, there is always the possibility that certain groups within society prefer to take the secession route and aim to break away to form their own nation-state. The risk of fragmentation is real, especially in fragile states where there is often little cohesion and the forces in favor of secession are stronger than those aiming for togetherness. We all know that many of today's borders were drawn arbitrarily (such as at the Berlin conference of 1884), without consultation of the people and without considering the ethnic, cultural and religious realities on the ground. The map of the world will be redrawn in some places in the future, but I do not believe that redrawing will offer a real solution for the problems of lack of social cohesion and instability within fragile states. It would be a bloody and a costly process without any guarantee that the outcome will be more stability. The war between the dominant ethnic groups (Nuer and Dinka) in South Sudan after the country won independence, is a painful reminder that redrawing is no guarantee of success. Even if redrawing the map is sometimes unavoidable (as it was in the case of Sudan), it should not be the option that we look or aim for when we are designing policies for overcoming the lack of coherence and belonging in fragile nation-states.

Partition or secession is usually motivated by the wish to create a nation-state that reflects only the shared identity of a certain group – an ethnically, culturally, religiously or otherwise homogeneous nation-state as it were. However, in today's world especially, this is bound to be an impossible aspiration.²⁷ Ethnic and cultural diversity is today's reality. If ever there existed ethnically homogeneous societies, they have by now been broken open as the result of internal conflict, migration and globalization. At the same time, in many countries majorities claim a privileged position, turning minorities by default into second-class citizens. The challenge for nearly

27 Zajda 2009, p. 94. See also Horowitz 1985, p. 265-277, where he addresses the heterogeneity of separatist movements.

all of today's nation-states is to build a cohesive and overlapping identity in the reality of diversity. This challenge will be discussed more at length in chapter 8.

The nation-state: A coveted object

Why, in the face of so much internal struggle in societies, does partition not happen more often? Why do 'the powers that be' want to fight for keeping the nation-state intact rather than allowing disenfranchised groups to build their own nation-state where they can live their identity uncontested? The reason is this: In today's world where nation-states require international legitimacy, shrinking physical size and shrinking numbers of citizens mean shrinking power both at the national and international level. Size is power. And the modern nation-state remains the most important source of power and wealth in our globalized world. In Western countries, the state's national budget equals more than 40% of a country's GDP; the state is by far the single largest beneficiary of a nation's economic resources.²⁸ Although in most developing countries and in fragile states especially, the state's share of national GDP is much smaller (between 10% and 20%), the state is nevertheless an important and powerful actor in the economy of a country. The capacity to impose taxes and levies on citizens and companies, and the authority to give out contracts and concessions, give the state access to collect large amounts of money and economic power. In many fragile states, the issuing of concessions for oil drilling and mineral mining brings large sums of foreign exchange to the national budget.²⁹ Furthermore, the state formally is still the sole legitimate executor of physical (military) force. From an international perspective, the nation-state has access to international networks of aid³⁰ that is mostly channeled through bilateral and multilateral programs in close cooperation with the recipient country's government. The power position of the nation-state, both domestically and

28 Wimmer 2002, p. 92.

29 Timor Este collects US\$ 275 million per month in oil revenues for a state budget of US\$ 1,7 billion, whereas domestic resources count for not more than 5% of the budget. <http://asiafoundation.org/in-asia/2012/02/22/oil-in-timor-leste-a-kick-start-or-a-kick-back/> (accessed 9 September 2014) The case of IS in Iraq and Syria shows the importance of oil revenues for the caliphate to build its power and to be able to finance its operations. <http://www.syriadeeply.org/articles/2014/07/5856/isis-3-million-day-selling-oil-analysts/> (accessed 9 September 2014)

30 Afghanistan's net ODA influx was 32,6% of GNI in 2012: <http://data.worldbank.org/indicator/DT.ODA.ODAT.GN.ZS>

internationally, is further strengthened thanks to the networks that states can build with powerful allies. In short, even if the role of the state today is challenged and even if its influence has decreased due to the process of globalization, the state remains an attractive source of national and international power. Seizing power over a nation-state is therefore still far more attractive than translating one's ambition of building nationhood into the partitioning of the nation-state into smaller territories. In this regard, South Sudan is an interesting case in point. John Garang, the deceased leader of the South Sudan Liberation Movement (SPLM) for a long time held on to his aspiration of nation-wide change in Sudan that would allow the country to stay together as one. It was only when it became absolutely clear that nation-wide change in favor of the discriminated South would never materialize that he accepted the idea of secession of South Sudan.

The absent state

The nation-state remains a source of power and influence in our globalized world. And the nation-state, we established earlier, fulfills vital functions for its citizens: It creates space for political participation, provides security, justice and basic social services, organizes infrastructure and economic life. In international development cooperation, assumptions abound about the positive role that the nation-state can play in people's lives – and how this can and should be strengthened.

But we should realize that the situation in most fragile contexts is very different. There, the state at best is absent; at worst it is part of the problem and perpetrator of criminal acts. In the fragile-states discourse, policymakers often define the role of the international community as 'reconstructing the institutions', not realizing that in fragile contexts there often simply is no state to reconstruct. In many fragile contexts, a very limited number of people in the capital controls all political processes. Large segments of society, in cities as well as in rural areas, simply do not participate. Although the state has a formal authority over the country, in reality authority is exercised by local leaders, who take care – or not – of people's security and well-being. National armies are often among the warring parties, which all commit crimes against humanity against civilians. Basic social services are not delivered, there is no economy to speak of, and the elites appropriate the country's natural resources. Partly this absence is due to unwillingness of these appropriated states (i.e. under control of ruling parties or elites and lacking legitimacy) to fulfill their obligations; partly it is due to a lack of

capacity in the absence of physical and institutional infrastructure. If we aspire to understand, or even contribute to, the process of nation-building in fragile contexts, we need to acknowledge this reality of absent or criminal states and the presence of other actors, networks, and loci of power that fill the void of the absent nation-state.

Vignette

From commanders to governors in South Sudan

In 2006, I visited South Sudan, one year after the comprehensive peace agreement was concluded in Naivasha. At that time Cordaid's programs were more humanitarian than developmental, solving the most urgent needs of the people of South Sudan after more than twenty years of civil war. One of the programs was in Aweil in the state of Northern Bahr el Gazal on the border with (North) Sudan. Tens of thousands of returnees tried to return to their homes in a precarious process, with very limited access to food and shelter and water, unreliable transport.

I paid a visit to the new head of the local government in Aweil. It was a difficult conversation between the two of us. He was suspicious what operations this international agency, Cordaid, was going to conduct in his area and he was quite clear that he was head of the government. In fact, we as Cordaid should hand over our resources to his new local government in order to deal with the problems. He emphasized that they (SPLA/SPLM) had won the war, that they were now in command of the country and that it was up to them to decide what would happen. There was also a personal justification for his position: As the military commander he was the one who had fought a bitter war and who was the victor and therefore deserved this position as the leader of the local government.

Turning commanders into governors is one of the challenges of post-conflict development work. It seems a continuation: If a revolutionary movement has been able to forge a peace agreement recognizing its position, the leadership wants to continue and translate its success at the negotiation table into a position in the political arena. Often it is understood as a justified reward for the hardship and risks military commanders have faced during the civil war: Becoming provincial governor, cabinet minister is therefore the deserved next step.

But being able to win a military battle does not make you competent to win political battles or to run a government. The discipline an army, even a rebel army can organize and expect from its soldiers is a far-removed reality from the chaotic behavior in the political arena where a host of organizations and interests are represented and where every group fights for attention and recognition. In the military campaigns of a freedom movement there are clear and clear-cut goals and objectives, in the political arena of a government a wide variety of goals and competing claims are vying for attention and resources.

One of the biggest challenges for a post-conflict government is to solve the problem of the ex-combatants and the military commanders. How to keep them satisfied and how to reward them and at the same time acknowledging that leading a military organization is different from running a government. Every phase deserves a different type and style of leadership.