

Failed States

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Failed states were regarded as a contrast to what is considered an ideal state according to the Westphalian system, which exercises full sovereign powers over a territory and population. The functioning government has the ability to control prospective violence, provide public goods and can meet and maintain international obligations. When vulnerable states arise, non-governmental groups take control of the land and people. As a result, governments would no longer be able to provide public benefits to their citizens and the economy would eventually collapse. This can also result in producing a flow of refugees, starvation, and human rights violations. Vulnerable states usually suffer from severe internal armed conflicts, an inability to control its own territory, and a loss of legitimacy among their citizens. Conflict usually has roots in long-standing ethnic, religious, or regional rivalries.

The phenomenon of failed states has become one of the biggest security problems in the international system since the early 1990s. Once again, history has shown that failed states cause unimaginable harm to their neighbors and to the international community. Failed states play an important and challenging role in the stability of the world. With this in mind, this report tries to outline and discuss the concept of failed states. First, a definition of "failed states" and what causes a state to fail. Second, the consequences of state failure on a national and international level.

KeyWords: International Public Law, States, Security, Stability, International Community, Refugees, Human Rights.

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Introduction

The concept of failed states, was begun to be used after the end of the Cold War. Since the beginning of the 1990s, this concept has been used to identify several African and Middle Eastern countries where violence and conflict, political instability, poverty and security problems exist. In time this concept has become used more frequently in literature including major global security and peacekeeping, poverty reduction strategies, including international humanitarian law and international relations issues. In this study, the first emergence of the first failed state concept, scope, and what factors in the classification is based on criticisms of the failure of the state and the clutch will be discussed. In the second chapter, regional and international influence of the states classified as failed states and whether they are a threat to the international community or not, will be discussed.

I.Failed States: Definitions, Criteria and Criticism

Beginning with International relations and international law, literature on the failed state concept coincides with the beginning of the 1990s. Similarly, weak states, fragile states, semi-government or apparent states (quasi states), and collapsed states are used to describe similar state structures. Such theorizing, especially the political fragmentation, occurs in some countries post Cold War. It has been used to define economic problems and security issues. The conflict after the disintegration of Yugoslavia, conflicts in countries such as Somalia, Sudan, Liberia, human rights violations in Haiti default as "a new phenomenon" and to those countries are given the failed state name (Helman and Ratner, 1992: 3). First, there is the concept expressed by foreign policy experts in academia shortly after it began to be widely used. Since the 2000s, indexes on failed states have been published.

Failed states literature is centered basically on states. The concept of a failed state, defines states which can not use state authority, fails to fulfill basic functions of the state, in the Weberian sense, states that can not provide state sovereignty. The Weberian sense of an ideal state has full sovereignty over its territory and population, these lands guarantee sovereignty, taking in hand the legitimate monopoly of violence and providing basic public services to citizens. The Jurisdictions of these states are separated from other states by borders, and each state being sovereign over its own borders does not interfere with another state's borders and hence time. In the historical process of the rule the turning point for states was the Treaty of Westphalia, signed in 1648, which is currently constituted. According to Westphalian system, states are considered equal and sovereign elements in international system and international law and are barred from interfering with the sovereignty of another state. From this period the state in terms of international law, the government has been recognized as a legal person and has the capacity to enter into relations with other states. On a certain territory, with a permanent population (Akpınarli, 2009: 6). In the international law perspective, collapsed states have been described as state institutions that have collapsed, and ruled by internal conflict and chaos (Akpınarli, 2009: 11). In these cases there is no evidence of the existence of an effective government. The lack of an effective government in political time, provided the basis for the economic and social structure collapse.

One of the early studies of failed states or weak states was in 1988 "Strong Societies and Weak States" from Migdal. The central focus of Migdal's study is the capacity of the state. The concept of capacity by Migdal includes: to penetrate the community,

organizing social relations, to extract natural resources and to use these resources effectively (Migdal, 1998: 4). The strength or weakness of state capacity is measured by the degree they have in this area. Indeed, the capacity of government activity constitutes one of the main issues for failed states theorists. According to Robert H. Jackson, the state classified as strong or weak capacity, “negative sovereignty”- “positive sovereignty” tackles the concept (Jackson, 1990: 5). Jackson speaks about how the Thirld World Countries gained their independence and have achieved de jure sovereignty but in they failed to strike de facto sovereignty in the international structure. Jackson defined such states sovereign as “negative sovereignty”. Jackson’s conceptualization of this new form of state as “semi-state” or “apparent states” (quasi states) had appeared after colonialism was caused to change of international system (Jackson, 1990: 26).

In 1992 two retired bureaucrats from the US State Department, Helman and Ratner, found the definition used as "weak state", "semi-state" to be ‘disturbing new phenomenon’ and they took a concept to discuss "failed state.” "Saving Failing States" entitled studies, according to Helman and Ratner, after the Second World War experienced an explosion of a nation-state and self-determination which gained their independence in line with the principle colonial states have postponed problems they might encounter under the protection of two superpowers during the Cold War. But until the end of the Cold War they faced with the right internal rebellion instability (Helman and Ratner, 1992: 3-5). The international community "support for the need of development" does not function anymore about the state of traditional methods, such as economic aid and the United Nations (UN) "post-conflict peace-building" stated that the process began with a new discourse. States affected by conflict in the international community to prevent conflicts that may arise in the future a new political, economic and social infrastructure must be created. Helman and Ratner says, that mission, as former UN Secretary General Boutros-Ghali's also expressed, in the UN's Treaty "to ensure international peace and security" dealt with under the obligation to have reached the conclusion of that requirement (Helman and Ratner, 1992-1993: 7-8). Because failed states caused both regional and international instability, Helman and Ratner suggest the protection of failed states in the international community by "guardianship of the UN / guardianship of the (United Nations conservatorship)" (Helman and Ratner, 1992: 12). These debates for failed states are about how attitudes towards the conflict in the state has been in line with the debates about whether they should adopt the term. In this context, to explain the realization of UN intervention to support arguments that were attempted to be built. On the other hand, during the debate it has been the emergence of a clear definition of what the state considers will fail. In the following discussion, it has been tried to put forward what criteria would be determined by failed states.

What criteria should be determining Failed states? Robert I. Rotberg answers this question as a number of the citizens of the state must ensure the political benefit and respond. Rotberg put safety this political benefit of a hierarchical format in the first place.

Accordingly, the most basic function of government is to ensure the security of its territory and citizens. In addition to providing state security, it should also guarantee the inviolability of private property and the rule of law. It should be able to provide a free way to participate in the political process should respect the fundamental rights and should ensure that political institution for its citizens.

Besides all this, it should be effective in areas such as the health, education, transport, trade, economy and finance, the development of civil society. According to Rotberg, states are classified as the activity in these areas, strong, poor and unsuccessful. This absence of any of the indicators when a government directs is indicative, but considered that these issues do not mean that the failed were intertwined with each other, it will also affect others in one hitch.

Looking at these criteria, state land can provide its citizens of certain political benefits with complete powerful control over the state. The opposite of this definition applies to failed states. Failed states are faced with ongoing internal or external conflict. They are unable to control their borders and different power centers within which the state was formed. Rotberg says the failure of a state to keep control of the legitimate authorities in reference to geographical territory can be measured (Rotberg, 2003: 3-5). In failed states, central authorities are unable to control the entire country and can not provide all services. Central government agencies are almost collapsed, an effective legal system is not available. State education can not provide basic public services such as health. They just can't.

Still, the failure of the sharp economic divergence indicator and any decrease in the average annual per capita income of the society according to Rotberg is important (Rotberg, 2003: 6-8). As can be seen, the state of the economy from the failure of the political system, covering a wide amount to the ongoing conflict in the country's central authority or legitimacy outside the area is evaluated according to the criteria.

There are surveys conducted on failed states by some international organisations and think tanks supported by governments. This empirical research is based on the criteria they determine that the relevant institutions consider failed state. As a result of this research some indexes are published. The best known among these indexes, is the Fund for Peace organization, and they prepare the Failed State Index every year. This index is based on twelve indicators of the state of classifying under three general categories according to their success.

Increasing demographic pressure, refugees and displaced people in the category of social indicators are taken by human migration as the brain drain due to the increasing pressure of certain groups and complaints. Enrichment by providing economic benefits to certain groups in the category of economic indicators and a sharp economic divergence are discussed. The political indicator category, the state's loss of legitimacy, the failure to provide public services, widespread human rights abuses and the disappearance of the legal system, "state within a state" can not allow the emergence of creating a security focus and the state security. The increase of the elite polarization and other states situated criteria are such intervention (Cojanu and Popescu, 2007: 124-125). According to the list, which was declared in 2014, the top ten most failed states, respectively, South Sudan, Somalia, the Central African Republic, Democratic Republic of Congo, Sudan, Chad, Yemen, Afghanistan, Haiti and Pakistan (Fund for Peace, 2013).

There are different indexes and research institutions that make similar demonstration near the reservation about failed States. For example, State Fragility Index aims to measure the state of the fragility of state security, governance, effectiveness and legitimacy of the measures in the area of economic development and social progress (Newman, 2009: 426-427). Another index is sponsored by the organization called Vision of Humanity Global Peace Index. This index's measurement criteria is

ongoing internal and external conflicts, laid down depending on the level of public safety and militarization consists of twenty-two criteria (Institute for Economics & Peace, 2013) . The index focuses on the economic or political situation rather than confrontation. In addition to private institutions or international organizations such as the World Bank, the UN is preparing the indices that measure the effectiveness of the state. The state of the UN Development Programme Human Development Index is prepared by the health, life expectancy, education is the basis of human development in areas such as the standard of living. It is essential states have activities that provide mediation services to the public (Newman, 2009: 428). Prepared by the World Bank's Worldwide Governance Indicators each year, the state of weakness or failure is measured through six criteria in governance (Worldwide Governance Indicators, 2015). These measures, freedom of expression and accountability, political stability and violence, government effectiveness, regulatory quality, the situation of the market, foreign investors freedom, rule of law and control of corruption (Cojanu and Popescu, 2007: 121-122).

The fragility of states, failure, associated with this index aims to measure the effectiveness of both Newman and Coja Popescu's research, which underlined the point, and a variety of criteria that lead to different results about this diversity (Cojanu and Popescu, 2007: 128; Newman, 2009: 428-429). This field tries to address questions on similar organizations engaged in research but stands out against it, because they focus on different lists with different criteria in different areas. For example, if we compare the index of 2013, while Somalia was the first on the list of Failed State Index (Fund for Peace, 2013: 4) in the Global Peace Index the first rank was of Afghanistan (Institute for Economics & Peace, 2013: 6), in the State Fragility Index the first row occupied by the Central African Republic (Marshall ve Cole, 2014: 45). Again according to the Global Peace Index's criteria in worst-case countries such as North Korea and Russia were among the top ten ranks (Institute for Economics & Peace, 2013: 6). In this case, economic development, political stability, democratic participation and the delivery of public services including civil war, series of conflicts that arise due to migration criteria emerges with different levels of influence. This broad framework has led to the emergence of a critical approach to failed states literature.

The September 11 attacks were a turning point for the concept of failed states, and this concept particularly in the United States included a series that has created some of the basic arguments applied in determining the foreign policy of Western States. Failed states preparing for terrorism pose a threat to international peace and security. Response to this development, the first criticism of the concept of the failed states began to develop that same year (Newman, 2009: 424). Three different approaches are mainly observed in the debate about failed states. The first approach is the concept of failed states, the adoption of this concept as a category of analysis and should be used in analyzing the state based on the theoretical and empirical levels. Second, considering that the concept is functional but further improvement is needed and it is necessary to determine exactly what may be mentioned requires a mindful approach. Finally, those who think that such a radical approach and the concept completely rejects hegemonic conceptualization legitimizes that existing relationships are available. According to the latest trends, the concept of failed states is used as an excuse to check and prepare the ground for foreign intervention by developed countries.

Basic criticisms to the concept of failed states can be grouped under four headings. The first of these headings relate to the use of the empirical research concept. This criticism is done by considering if the concept is useful, but it is needed to develop and clarify, because allegations that threaten international security and the failure of states can be misleading. Terrorism is not always done in unsuccessful countries such as Afghanistan and Sudan, they get more power in more developed countries such as Pakistan and Kenya using services of communication Technologies, transportation and banking (Nay, 2012: 12). Or in countries with highly effective state institutions such as Iran and North Korea, along with the increase in international security armament. These are more threatening than failed states. Some indications that failure of the State is also valid for developed countries, which in turn makes it difficult to speak of a particular index of the standard for empirical research as shown above.

Secondly, it is criticized in particular for the lack of a consensus on the definition of conceptualized failing states. The Fragile or failed state concept varies according to the priorities by authors. Some authors highlight systemic problems such as poor management, failure to provide basic public services, corruption in the bureaucratic system, and whether religion, ethnic or sectarian conflict in the country environment is the main reference. Some researchers focus on economic difficulties, extreme poverty and collapse of the market economy, while others focus on nation cross-border issues such as border security, perimeter security, the spread of epidemic diseases (Nay, 2012: 7-8). Difficulties caused by the absence of a specific definition is shared by almost all authors, each author has come up with his own definition to overcome this problem.

Thirdly, failed states have been criticized in state-centered literature. Mainly government agencies and state focused organizations focus on the building, or peace of non-state institutions for civil society, but contributions to stability and development are ignored (Nay, 2012: 10-11). Also not mentioned, such as the social structure of the country, is its relationship with the globalizing world of failed states, the only "global threat" is discussed in the context and the impact of poverty in these countries to discuss the global economic order is not enough (Bilgin and Morton, 2004: 174-175).

Fourth, the political meaning and concepts contained in those who completely reject the concept of failed states criticizes the occurrence Western-centric. The strategy put forward by politicians and experts, and in particular the concept of failed states is often used in the context of security and development gives a political content. Critical writers such as Chomsky, after September 11 indicate that it played a role in legitimizing the foreign policy of the Bush administration (Nay, 2012: 5).

Boas M. and Jennings K. emphasize the concept of work to build a discourse legitimizing the political intervention of Western states in general terms (Boas and Jennings, 2005: 388). Bilgin and Morton clarify that, "failed states," "rogue states" and such concepts were formed during the Cold War about post-colonial states. The "Third World" identification is of the opinion by the continuation of the Cold War (Bilgin and Morton, 2002: 56). The concept of failed states through similar processes of modernization of all state school during the Cold War is the continuation of that idea that modernization and writers who claim that this line of thinking in states is classified as successful or unsuccessful is also available (Nay, 2012: 9). The Hill, the

non-Western this concept and that a modernization route tracking African state of alienation like the West, is referred to as a disease of the African states and states that make clear to the intervention by claiming to improve them (Hill, 2005: 149).

II. Failed States and the International Community

It emphasized that the international community was effected by failed states more frequently after the September 11, 2001 attacks. From this date on, failed states, is sitting primarily on the first row of the foreign policy agenda of Western governments, including the United States. Failed states such as Afghanistan in 2002 entered the National Security Strategy document, which pose a great threat to the United States. Again in 2003, about the failed states, in the European Union Security Strategy report, it is stated that it threatens global security and regional stability. The concept of failed states, UN Secretary-General Boutros Boutros Ghali and Kofi Annan have used this concept but it has not been used in any decision taken by the UN (Akpınarlı, 2009: 88).

As one of the main characteristics of failed states, internal conflicts exist not only state, in both the periphery it is shown to affect also international system. According to the Westphalian concept, not conflicts within the state, conflict between states is a threat to international peace and security. The First and Second World Wars are shown to be the most obvious examples in this regard. This approach -founded after the Second World War- has been adopted in the UN and the UN Charter 2 (7) agents of the state are prohibited to intervene in matters within the domestic jurisdiction of any other state.

During the Cold War, conflict within states grew although problems, because of the great powers of the state with internal conflicts and to help get under the patronage, were usually detected as a threat by the international community. But, with the end of the Cold War, the countries under Soviet influence in Africa and Middle East countries have become unable to cope with internal problems. The concept of failed states, precisely at this point entered the literature, including in particular the US. Since the '90s Western politicians and scholars discussed how to influence the international community. Called failed states, one of the effects were that they created a wave of forced migration across their borders. The conflict in the country was affected: those affected by discrimination or human rights violations, to migrate to neighboring countries and neighboring countries in the political, social and economic structures. In 1994, after the genocide in Rwanda, the Hutu ethnic group of the Democratic Republic of Congo found it difficult to shelter thousands of Rwandans, because of being in an already difficult situation in the Republic of Congo which had more internal problems (Newman, 2009: 429).

Armed groups formed of Rwandans that migrated to the Democratic Republic of Congo, The Rwandan army was confronted with the anti-government groups in the Democratic Republic of Congo and the country was stimulated. Thus began the process of the genocide in Rwanda, then Congo came to the brink of civil war (Yoo, 2011: 106). Similarly, forced migrations from Afghanistan to Pakistan, armed Islamist movements such as the Taliban in Pakistan has led to the birth of violence. Today on Turkey's border with Syria, Turkey, in particular, is considered too radical and contains armed opposition fleeing Syria. This could lead to a security crisis. In addition to the possible internal conflict that could spread to neighboring countries as

well, not necessarily made in neighboring countries, migration is creating a serious refugee population. People fleeing the conflict in their country are forced to live under difficult conditions in the host country. There are just so many of them.

The environment of trafficking is thought to increase the trafficking of weapons. The 1990s Balkan countries experienced regional instability with the movement of weapons between countries such as Afghanistan and Pakistan.

Drug trade, in areas where alleged failed states are, is also widespread. Paul Collier has claimed that ninety percent of drug production in the five states experiencing internal conflict realization. The first from the countries in this area in Colombia and Afghanistan. Some groups that benefit from instability in failing states increased their piracy next to drug trade. This particularly began to occupy the agenda of the international community with Somalia.

The destruction of natural habitats is one of the transboundary effects of failed states (Newman, 2009: 430). For example, less livability and an increase in conflicts in Darfur and desertification have led to the decrease of agricultural areas and the Sudanese government has managed to take any action in this area. Such problems also affect neighboring countries. Yet one of the most controversial issues related to failed states, is the spread of epidemics. In the absence of a health system that will prevent the spread of epidemic diseases, especially epidemics that could threaten other countries, including First World countries.

Two examples can be taken: a 2008 outbreak of cholera in Zimbabwe or the HIV virus prevalent in Africa. As first seen, the Ebola virus in the 1970s, Sudan and Democratic Republic of Congo, especially last year was under the influence of Central and West Africa. The World Health Organization particularly warned about the area secretion under the influence of the virus has spread faster in the failed states such as Liberia, Sierra Leone, Guinea and Nigeria (BBC, 2014). Such epidemics spread more in countries where internal conflict deforestation policies, drought, has long been seen, due to reasons such as poor health care system is effective (Phillips, 2014). The position is often epidemic outbreaks across the international community to intervene when the form is seen in developed countries.

It is also claimed that failed states prepared grounds for the emergence and the strengthening of international terrorism (Newman, 2009: 430). Afghanistan, Pakistan, Sudan and Somalia are examples reinforcing this argument. In particular, the September 11 attacks, a direct relationship between failed states and terrorists has been the establishment of landmark buildings. Afghanistan, the terrorist structures of countries such as Somalia, where the absence of effective management is well known and can not control and countries with weak administrative capacity of such structures are said to be influenced more easily (Newman, 2009: 431). However, the communication of Pakistan or terrorist organizations in countries such as Kenya, that have more effective political structure, transport, could also benefiting from stronger banking services which should not be ignored.

The threats towards international peace and security of failed states, have brought the international community's intervention to the area on debate. However, according to international norms presented in accordance with the Westphalian sovereignty of states regarding threats against political independence, other states' territorial integrity in international relations, or incompatibility with UN's objectives in a way to oblige avoiding resorting to use of threat or force the use of force. Also the UN Charter 2 (7)

pursuant to m.d.s are unable to intervene in the internal affairs of other states. States can apply for some state authorization to use force in case of legitimate self-defense rights in order to use the UN Security Council for international peace and security and the protection or re-establishment.

Human rights violations in states identified as failing, genocide, ethnic cleansing, acts of terrorism, exceeding border migration, human trafficking, drug trafficking, arms smuggling, activities such as piracy, the international community began to opened to discussion again with the right to intervene in internal affairs (Helman and Ratner, 1992: 12). The UN Security Council to assess the threat to international peace and security was the first time in 1992 in Somalia. During the 1990s, the UN has maintained a similar attitude GK decision on Rwanda Bosnia, Haiti. The UN decision informing threatened international peace and security of the state while the question whether the country was examined with regards to human rights violations, reasons for regional refugee problem and causing international terrorism or environment for piracy (Akpınarli, 2009: 116). In this regard, it changed the interpretation of international law, one of the basic principles of the principle of non-interference in the internal affairs of other states that international law has been expanded to the detriment failed states.

1990 in addition to military intervention to these states it was also discussed whether it should create an effective management of the international community in the state concerned (Akpınarli, 2009: 119). Writers like Helman and Ratner suggested that these new state-for the construction of the UN a new tutelage be formed, (Helman and Ratner, 1992: 12) Robert Keohane proposed to establish hash states that they will control different areas of the state failed through international organizations sovereignty model (Keohane, 2003: 275). Yet some writers, suggesst a new model "custody" where the country's leadership will be shared by the states and international organizations (Yoo, 2011: 106). In contrast, some authors claim these proposals to be "neocolonialist" and have criticized the models (Gordon, 1997: 903).

CONCLUSION

It is a fact that instability of failed states threatens international peace and security today. But, military intervention and state/peace building policies, although a temporary solution to the humanitarian crisis in the region where clashes are, is questionable regarding legitimacy and effectiveness of these interventions. Considering the current instance of military intervention in the current crisis, and then radically from political intervention and said that the state failed to bring structural solution. Neither the UN intervention in Somalia nor after the intervention in Bosnia, is it said that there was effective peacebuilding. Yet while the intervention in Iraq and Afghanistan, which are discussed today pave the way for the emergence of new terrorist organizations. Failing states problem cannot be solved through military solutions. Therefore, instead of military intervention initially it should be focused on peace-building initiatives, ensure political and economic stabilization of failed states. Such methods would be more beneficial to both states and the international community.

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