

Human Rights & Human Welfare

Volume 11
Issue 7 *August Roundtable: Re-Thinking State
Failure and Human Rights*


Article 3

8-1-2011

More Questions, Few Answers on State Failure and Human Rights

Edzia Carvalho
University of Mannheim, Germany

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>

 Part of the [Defense and Security Studies Commons](#), [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), [International Law Commons](#), [International Relations Commons](#), [Other Public Affairs, Public Policy and Public Administration Commons](#), and the [Peace and Conflict Studies Commons](#)

Recommended Citation

Carvalho, Edzia (2011) "More Questions, Few Answers on State Failure and Human Rights," *Human Rights & Human Welfare*: Vol. 11: Iss. 7, Article 3.

Available at: <https://digitalcommons.du.edu/hrhw/vol11/iss7/3>



All Rights Reserved.

This Roundtable is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

More Questions, Few Answers on State Failure and Human Rights

Abstract

The Foreign Policy article under review brings us back to the issues addressed in April's Roundtable, which looked at humanitarian intervention in light of widespread political violence in the Ivory Coast. Much of that discussion centered on the factors that lead states to adopt policies aimed at stopping egregious human rights abuses from being committed in other jurisdictions, either by state agents or non-state actors. This month's Roundtable discussion highlights the myths attached to the concept of "state failure," which increases the likelihood of such violations occurring. The author of this month's centerpiece, James Traub, comments on a number of these "myths," two of which are particularly relevant to the protection of human rights.

Keywords

Human rights, Failed states, Humanitarian intervention, Governance

Copyright Statement / License for Reuse



All Rights Reserved.

Publication Statement

Copyright is held by the Josef Korbel School of International Studies, University of Denver. User is responsible for all copyright compliance.

More Questions, Few Answers on State Failure and Human Rights

by Edzia Carvalho

The *Foreign Policy* [article under review](#) brings us back to the issues addressed in April's Roundtable, which looked at humanitarian intervention in light of widespread political violence in the Ivory Coast. Much of that discussion centered on the factors that lead states to adopt policies aimed at stopping egregious human rights abuses from being committed in other jurisdictions, either by state agents or non-state actors. This month's Roundtable discussion highlights the myths attached to the concept of “state failure,” which increases the likelihood of such violations occurring. The author of this month's centerpiece, James Traub, comments on a number of these “myths,” two of which are particularly relevant to the protection of human rights.

The first of these relates to failed states being perceived as “ungoverned spaces”—territories with a government that is ineffective in ensuring the physical security and material advancement of its population. Traub adds the element of state policy to this consequentialist classification of such states. He rightly distinguishes between “hapless” and “intentional” states: the former are willing but incapable of containing violence, while the latter initially use violence as policy but later lose control of the agents implementing this policy. This distinction mirrors recent research on the “willingness” and “opportunity” of states in the protection of human rights. David Cingranelli and David Richards (2007) quantify the fulfilment by states of their legal obligations to protect human rights while keeping in mind the limited resources that they have to govern with. Todd Landman and his colleagues (2010) refine this method and present a way of measuring the gap between “expected” and “actual” human rights protection by a state, i.e. the extent to which states over or underperform given the constraints they face from limited material resources, natural or man-made crises, or the like. The ability to distinguish between states that are willing yet unable to protect the rights of their populations and those that are unwilling though able to do so is crucial to determine who is to be held accountable for violations and what can be done to improve the situation.

This brings us to the second myth that Traub highlights: “Some states were born to fail.” A few states are doomed, he argues, from the moment of their creation by circumstances beyond their control and beyond remedy. Any policy and all efforts by these states to survive and consolidate are tainted by deep-rooted ethnic cleavages exacerbated by the boundaries drawn by withdrawing colonial powers, and impaired by “no experience of modern government.” What would be the implications for the international human rights regime if we were to accept this argument? Two broad areas lend themselves to this discussion: a) the role of these “failed” or “failing” states and b) the role of other states and inter-state institutions in the protection of human rights.

The issue of whether states that do not have the capacity to protect their populations still retain the legal obligation to do so is quite complex to resolve. The first problem one might encounter is whether such states can be classified as “states” at all. Although the entity in question may display the outward features necessary to be recognized as a state, the gradual loss of population, territory, and legitimate control might bring this status into question. Even if these entities are deemed to be states in transition, i.e. somewhere between fully established states and other non-state administrative semi-autonomous units, would the human rights obligations of these entities

towards their populations be similar to those of recognized states? The second issue, i.e. the role of other states and regional and international institutions in responding to the crises unfolding in these states, adds to the mix the conundrums surrounding humanitarian intervention. Traub recommends that regional institutions be strengthened so that they can “minimize the harm” from these “misbegotten states.” Yet, as we have seen, the finer details of bilateral and multilateral humanitarian efforts are complicated to draw up and implement, and their consequences are difficult to control and predict.

Perhaps for now it is sufficient, although formulaic, to say that this issue needs further thought and research. Balancing the gap in the state rhetoric of, in Traub’s words, a “moral obligation to relieve suffering” and state practice of promoting national interest is undoubtedly a long term project and one that will require all hands on deck.

References

Cingranelli, D. L. and D. L. Richards. 2007. “Measuring Government Effort to Respect Economic Human Rights: A Peer Benchmark,” in A. Minkler and S. Hertel (eds.), *Economic Rights: Conceptual, Measurement, and Policy Issues*. Cambridge University Press.

Landman, T., D. Kernohan and A. Gohdes. 2010. “Relativising Human Rights: A New System for Country Ranking,” paper presented at the Annual Meeting of the American Political Science Association, September 1-3, Washington, DC.

*Edzia Carvalho is a Postdoctoral Fellow in Political Science at the Chair on Politics and International Relations in the University of Mannheim, Germany. She completed her Ph.D. in Government from the University of Essex in 2010. Her thesis was on degrees of democracy and public health expenditure in the Indian provinces. She has an MA in Human Rights (Essex 2007), and an MA in Politics (Mumbai 2003). She has worked for the Centre for the Study of Developing Societies (CSDS) in Delhi, India and as research assistant on projects for the UNDP and the UK Department for International Development (DFID) on human rights indicators and democracy assessment. Her recent publications include *Measuring Human Rights* (with Todd Landman, Routledge, 2010) and contributions to the *Essex Internet Encyclopedia of Human Rights* and the *International Journal of Children’s Rights*. She is currently collaborating with Kristi Winters (Birkbeck College) on research on the *Qualitative British Election Study (QES Britain)* and foreign aid and human rights (with Laura Seelkopf, University of Essex). Her research interests revolve around human rights and democratization..*