Why Are Failed States’ Borders Stable against External Predation?

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The term “state failure” evokes images of anarchy in Mogadishu, rebel armies in Kinshasa, and sectarian violence in Iraq. In each of these cases, neighboring states faced strong incentives to encroach upon—even claim for themselves—the territory of a nearby failed state. Hundreds of thousands of Somali refugees spilled into Ethiopia in the early 1990s, straining the Ethiopian treasury; a total of eight states occupied the Democratic Republic of Congo (DRC) during its failure, in large part to plunder its natural resources; and Iraqi neighbors with significant populations of separatist Kurds—such as Turkey and Syria—might better preserve the cohesion of their own states by internalizing Iraq’s Kurdish population and oil. But at least to date, the international borders of these three failed states have not changed. Moreover, to the extent that they may change in the future, such cartographic alterations will likely be more a function of secession (of Somaliland) or partition (of Iraq) than of external predation. Why, given incentives to take over either part or the entirety of failed states, have neighboring powers resisted temptation in the face of relatively easy targets?

The absence of external predation of failed states’ borders is a true puzzle for international relations. “Respect” for borders can have little to do with the answer—failed states’ borders are routinely violated, as best exemplified in the case of the DRC. And neighboring states lack neither the incentives nor the means to engage in border predation, as evidenced by the frequent extraction of natural resources by neighbors of failed states intervening in the name...
of humanitarianism. Given that such pillage can and has occurred without formally absorbing another state’s territory, one could argue that the formal transfer of territory is unnecessary for neighbors of failed states to extract resources and revenues from the other side of the border. That said, if neighboring states were to take over a failed state’s territory, they would enjoy the protection of international law while plundering resources in their newly acquired territory. And extension of borders over territory lacking an empirical sovereign could be relatively cheap in terms of military and administrative costs.

The major cost to external predation is the flip side of one of the major benefits. If international sanction is a benefit of officially holding territory, the current international system severely punishes states engaged in external predation of territory, as the Saddam Hussein regime discovered following its invasion of Kuwait. Ultimately, the norm against conquest that maintains border stability in the face of predatory states may generate the unintended consequences of causing and prolonging state failure.1

The link between the development of a norm against conquest on the one hand and the fact and possible negative consequences of border stability in failed states on the other was first suggested by Robert Jackson in 1990.2 But this thesis, while attaining the status of conventional wisdom in the literature on state failure,3 has only rarely been subjected to rigorous theoretical or empirical scrutiny. In this chapter, I use an original measure of state failure to test the claim that a norm against conquest prevents external predation of failed states’ borders, while at the same time developing its theoretical underpinnings. The theoretical claim is then subjected to a “hard” qualitative test for the norms argument—Libya’s incursions into Chadian territory in the 1970s and 1980s. The claim that a norm against conquest accounts for the stability of failed states’ borders against external predation holds up well when subjected to this strong empirical scrutiny. This finding can be used to help focus policy prescriptions for preventing and remedying state failure in the future.

Normative Prohibitions on Territorial Predation

The post-1945 era has seen a dramatic decline in coercive, externally imposed territorial changes.4 While scholars have cited a number of possible explanations for this trend—from an increase in the number of democracies in the international system,5 to fundamental changes in the structure of domestic economies,6 to a rise in nationalism7—most