4 Nation-building: Sovereignty and citizenship

The issue of sovereignty is pivotal in the nation-building project. If we agree that the sovereignty of people is the founding principle of the nation – without this a nation has no existential legitimacy – any theory of nation-building must start by putting people center stage. Even if those who design policies for fragile states embrace this principle, in practice their policies often transform people from subject to object.

In this chapter we start from the philosophical principle of ‘people as sovereignty’, or ‘popular sovereignty’, we subsequently turn to the notion of citizenship as the practical translation of sovereignty into rights and duties of people in a nation-state – and the dilemma’s this evokes in today’s world.

The people as sovereign

The very notion of the nation-state that emerged in modernity was indissolubly connected to the shift in sovereignty that occurred in the 18th century. During the 17th and 18th century, the absolute authority of monarchs – kings, emperors, dukes – became increasingly questioned. In France and Great Britain, sharing of power became unavoidable partly because the nobility and the emerging powerful merchant class had started challenging the monarch’s decisions, and partly because the monarchs, in order to finance their wars and extravagant lifestyles, themselves became increasingly dependent on the nobility and merchants. The erosion of the monarch’s autocratic power happened in tandem with the new philosophical ideas that gained ground thanks to Enlightenment philosophers like John Locke and Jean Jacques Rousseau, who stressed the ideals of liberty, reason and tolerance while questioning the religiously based legitimacy of rulers. This sovereignty of the autocratic ruler – which had often been presented as based on a divine intervention – became untenable. A fundamental shift took place: The people became the source of sovereignty. Even though the road to general suffrage was still long, the philosophical principle of people’s sovereignty was established. From being the object of governance, people became the subject; from merely being governed, the people gained the double role of being both governor and governed.
Over the last century the debate about sovereignty has moved between stressing a state-centric and a people-centric approach to sovereignty. ‘Sovereignty in international relations has been ascribed to two different types of entities: states, defined in terms of territories over which institutional authorities exercise legitimate control, and nations, defined in terms of “communities of sentiment” that form the political basis on which state authority rests’. In their historic overview Barkin & Cronin show that a state-centric approach was dominant after the Napoleonic wars, a nation-centric one after World War I, again a state-centric approach dominated the post-World War II world and after the end of the Cold War a renewed nation-centric approach seems to be dominant. My focus on people-centric sovereignty comes from two considerations. First, as stated above, even state sovereignty rests on the consent of the people. There is no state sovereignty that has legitimacy in itself: Dictators and the communist and fascist regimes of the 20th century fabricated that people’s legitimacy of their sovereignty. The second reason is that the focus of my research is not on the international relations of fragile states and how they behave in the international community of nation-states. Focusing on the domestic challenges of fragile states, the sovereignty of the people as legitimizing the state is the critical issue.

The famous three opening words of the United States Constitution, ‘We the people …’, express this principle: The Constitution derives its power from the people, it is founded on the American people as subject. As much as this is an elegant or even moving opening phrase, it is problematic too: Who is this ‘we’? Is it the sum of all the individuals or an abstract entity? Jean Jacques Rousseau also struggled with this problem and postulated the notion of the people’s ‘general will’ to connect concrete individual persons to each other in order to be able to act as a community: Total unanimity is necessary to make the sovereignty of the people work. The general will of the people should be the expression of each and every individual’s opinions and values. Rousseau, in other words, stated that there should be a direct link between the concrete individual and the collective of which s/he is part. Sovereignty should not be an abstract notion but should find ownership in the most concrete we, that each and every person can give his or her positive consent to the decisions to be taken and the policies designed. Although Rousseau tried to put his ideas into practice in elaborate proposals for the

1 Barkin & Cronin 1994, p. 110-111.
2 Rousseau 1762.
government of Geneva, Corse and Poland, his efforts to keep the direct link between the concrete and abstract people proved far too complicated.

Anderson builds his ‘imagined communities’ on his understanding of the nation as a community of people who are connected to each other without knowing each other, without being familiar with each other’s beliefs or traditions. The nation is a social construct. His idea of imagined communities reflects the problem of the abstract and the concrete within the notion of sovereignty: The nation is about concrete persons, who have impersonal relations to each other. Via this impersonal nature of the relations between people in the nation-state he can arrive at a rather abstract understanding of ‘the people’. People’s sovereignty in the imagined community concept is to be understood as the joint expression of people without covering each and every individual’s position and opinion.

A few years before the Constitution opening with ‘We the people’ was ratified, the Congress in 1782 had adopted *E pluribus unum* as motto to be included in the Great Seal of United States. *E pluribus unum* translates as ‘out of many, one’ – at the time understood as ‘out of many states, or colonies, emerges a single nation’; today explained as: Out of many peoples, races, religions, languages, and ancestries has emerged a single people and nation, the United States. This illustrates clearly how sovereignty of the people in the modern nation-state is inherently connected to diversity. This is probably even truer than it was in the late 18th century, as the individualist culture, currently dominant in the West, stresses individuality and more than ever allows for and promotes diversity. This diversity does create a considerable challenge of finding a shared expression of people’s sovereignty. For fragile states this is often a particularly hard challenge as many of them cannot build on a history of gradually forming a united nation-state and are pressured to build their sovereignty from scratch on the fragmented and often antagonistic diversity of ethnicities, religions, languages and regions. To find a solution for this diversity-in-sovereignty problem I turn to the concept of citizenship.

**Republican citizenship: In-between individual and community**

The French Revolution expressed itself politically in the *Déclaration des droits de l’homme et du citoyen*. The distinction made between ‘man’ and

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3 Anderson, p. 6.
‘citizen’ is crucial for our understanding of sovereignty. If sovereignty lies with the people – ‘popular sovereignty’ – this means it lies with the people as citizens. Citizenship is not identical with the human person. The notion of citizenship refers to the role that a person takes as a representative of ‘popular sovereignty’; it is a responsibility in the public domain that can be referred to as citizenship as office. The citizen understands that acting as citizen requires filtering one’s personal opinions and preferences before presenting them in the public domain; acting as governor in the public domain requires reflection on one’s personal opinions.

Based on this basic understanding of the citizen, the perspectives on what citizenship means vary strongly, with a strictly individual and utilitarian perspective as the one extreme and a strictly communitarian perspective as the other. The utilitarian perspective postulates that the citizen acts in the public domain with a view to maximizing his or her personal benefit, stressing the rights-bearer side of citizenship. In negotiations with other citizens and with the nation-state, s/he will put forward demands in the public domain trying to achieve the most profitable outcome. The development of the welfare state has strengthened this perspective: The many different social and economic entitlements encourage citizens to adopt an attitude of maximizing one’s benefits. The growing complexity of the state, exacerbated by the processes of globalization, has increasingly left citizens with the feeling that they lack the agency to act meaningfully or be influential in the political domain and therefore concentrate on their individual rights.

At the other end of the spectrum, we find the communitarian perspective on citizenship, where the citizen fully coincides with his or her role in the community (based on ethnicity, religion, language, regional or economic interests). In this communitarian perspective there is conformity between the individual and the group. The community demarcates the space for the individual to act in the public domain. There are at least two problems with this communitarian perspective. First, it invites and encourages deeper entrenchment of community-based positioning in the nation-building debate. It encourages communities within the nation-state to push through their influence based on numbers: The larger the group, the stronger the power play. Secondly, full communitarianism is not a reality, not even in fragile states that are perceived as countries where people are fully aligning along group-lines (ethnic, religious, linguistic). Also in fragile states, people make choices based on individual preferences and interests. Like every
other state, very few, if any, fragile states consist of homogeneous groups of people who without a qualm align themselves with ‘the community’. In situations of fragility people may even be more inclined to make individual decisions distancing themselves from group interests. Some decide to flee the country and become refugees and subsequently new citizens in host countries; others seize the job and career opportunities that international actors (peace missions, international NGOs) offer, and yet others, like the young refugees in the camps in Kenya, benefitted from the opportunity for better education; yet others are prepared to die for keeping their strongmen in power or instead achieving independence of their group. Citizenship therefore is neither fully utilitarian nor exclusively communitarian. Citizenship as expression of the sovereignty of the people is republican in nature: Accepting the dual role of governor and governed, accepting responsibilities alongside rights, keeping the interest of the common good in mind while safeguarding space for individual decisions. This is not only to find a middle ground between extremes, but also to understand citizenship as an office that is more than merely interest-driven, whether that be individual or group interest. As an office, republican citizenship has always been connected to ethical qualities and virtues.\(^6\) It entails that every citizen has responsibilities and can be held accountable for the way s/he fulfills his office in the nation-state. Republican citizenship deepens the social contract between the state and the individual. Rather than constituting a mere provider-client relationship, the relationship implicated by the social contract – again a philosophical notion that has its origins in the Enlightenment – is reciprocal: The nation-state has to fulfill its obligations towards the citizen and vice versa. The fundamental reciprocal relation of the social contract exists regardless of whether or not citizens or the state are limited in fulfilling their obligations due to a lack of resources or capacity.

**Republican citizenship in fragile states**

Is it realistic to expect an active republican citizenship in fragile states? Currently, in the debates about and policies for fragile states, there is a strong emphasis on the position of citizens as rights-holders who put their demands on the tables of the duty-bearers. Most development organizations that advocate for the position of the poor and criticize the behavior of

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6 Vogelsang-Coombs & Bakken 2003, p. 450.
7 Gunsteren ibidem, p. 45.
governments push for this rights-based approach to citizenship. While this may seem justified given the performance of most governments in fragile states, which more often than not exacerbates the poverty and deprivation of the people, I believe that progress in fragile states requires advocating and putting into practice the fully republican perspective on citizenship. The rights-holders/duty-bearers dichotomy as a citizen/state dichotomy tends to take a state-centric sovereignty perspective: The authority and the power is with the state and therefore the state has to deliver to meet the justified demands of the citizen. The citizen has become the client of the state, not the subject.

There is a need to change the position of the people as mere object of the governments. Citizens are more than clients, they should see themselves as subjects, as owners of the sovereignty, even if – or, exactly because – that ownership brings responsibilities. As long as citizens take a ‘wait and see’ position, the nation-state will end in a self-fulfilling prophecy of failure. Fragile states need an active engagement by their citizens to build up a stable society. The government and its institutions alone will not win this uphill battle.

It is true that the reality is that governments in fragile states do not have very much to offer. There is a huge problem of expectations and disappointment. Given the power differences between governments and citizens in fragile states, and the limited resources of citizens to fulfill their role as governor, the perspective of republican citizenship may well seem unrealistic. However, I believe that continuing the antagonistic perspective on the relationship between citizens and the nation-state is problematic. Creating stability in fragile states requires an active role of the citizen as the governor, who takes responsibility for decisions and contributes to creative solutions to the problems of the nation-state. Take the example of Afghanistan. The Afghan government has limited means to provide security, justice and basic social services to its citizens. The state budget depends for more than 80% on foreign donors. The donor contributions, however, will undoubtedly decrease over the coming years in response to the end of the NATO-led ISAF mission in December 2014. As long as the citizens of Afghanistan first and foremost position themselves as individual claimants for services, based on international standards of what governments are supposed to deliver, the Afghan government has no chance to be seen as the one who acts as the duty-bearer. The list of unmet needs is simply too long.

In the broad range of policy domains – education, health, livelihoods – the Afghan state will only become credible if it manages to deepen its relationship with the people beyond a mere relationship of service delivery,
while the citizens at the same time take on a role as a responsible actor in the relationship. In 2012, the Dutch NGO Cordaid started a debate with the Afghan ministry of health, suggesting that the provision of free healthcare as included in the Afghan constitution is not feasible for a sustainable design of the health care system in the country. Cordaid advocated for performance based financing of the healthcare system, in which contributions by patients had to be considered as a realistic perspective, but was confronted with staunch criticism from the health sector (both state and civil society agencies). The reality in 2012, however, was that, in contrast to the principle of free healthcare included in the constitution, 75% of the spending for healthcare was out of pocket payments by citizens, 23% came from international donors and 2% came from the Afghan government. These figures show that people indeed do take responsibility. The solution for a well-performing healthcare system in Afghanistan does not lie in a political fiction of free healthcare, nor in a hard reality of private spending (inefficient, low quality), but in facing the reality as the basis for coming up with a realistic perspective on what the government should provide and what people should take care of themselves. In the current approach, 75% of spending is seen as ‘outside the system’, not taken into account as part of the overall investment of Afghans in their health. Cordaid made a plea to factoring in the reality of out of pocket spending by citizens and take it as a sign of agency. Such an inclusive approach to the financing of healthcare would offer serious space for improvement (better quality and more efficiency) of the system.

Including people as a governor, taking responsibility for the future of the nation-state, based on a people’s sovereignty and people’s agency, has to become part of the agenda of fragile states.

This is also to be seen in connection to the fragility model presented in chapter 3. If effectiveness is seen as the main policy-objective in the fragility discourse, we focus our interventions in the nexus between capacity and authority. The people sovereignty discourse entails shifting the focus to the nexus of authority and legitimacy with integrity as the main outcome. If the nexus of legitimacy-authority is the focus of the fragility discourse and integrity is the main outcome, we can include citizens as agents of their own future and are able to develop a different, more inclusive discourse that does not hinge on the state-citizen relation as a provider-client relation.

If citizenship is understood as an office (taking responsibility as governor), the question remains what the connection is between ‘man’ and ‘citizen’. Even though citizenship requires filtering one’s personal preferences and opinions with a view to achieving the common good, the citizen cannot
and will not rid him or herself completely of these personal convictions. Citizenship does thus not solve the problem of diversity. The space for citizenship is not a space where political and civil issues are discussed separated from our identities. Rather, citizenship is to keep the diversity in check: ethnic, religious, cultural and linguistic identity has to be connected to the notion of citizenship and the responsibilities connected. This also implies that republican citizenship is something that needs learning and practicing. It is like parenthood: There is no test that decides whether one is eligible to qualify as citizen (as there is not for parenthood), but being a good citizen (and a good parent) is not a competence we naturally acquire by birth. Nation-states should therefore include the subject of citizenship deliberately in the mainstream educational system and other programs. In most fragile states, civic education is part of the process of preparing for democratic elections. This civic education is vital in supporting people to understand the differences between parties and candidates and to make up their mind for whom to vote. Especially in remote areas, people are often hardly aware of the electoral process and what is at stake. Unfortunately, such educational programs usually end when elections are over. It is my conviction that a republican perspective on citizenship calls for a much broader and much more lasting investment in citizenship education.

Citizenship as solid base for diversity

In his groundbreaking article ‘Citizenship and social class’ T.H. Marshall presented the history of citizenship as a process, in which citizenship became the cornerstone of political equality. Although the French Déclaration du droits de l’homme et du citoyen of 1789 declared all inhabitants of France to be equal, the translation of this principle in the political realm took more than a century. The role of ‘governed’ was for all people; the role of ‘governor’ was the prerogative of those who held property. In the Netherlands, from the moment the new constitution took effect in 1848 until 1880, the percentage of the male population that had the right to vote was not more than 12%. In 1900, just half of the male population (49%) had access to the ballot box. In almost all European countries women were excluded

from the right to vote until the early 20th century. In France, women's suffrage was not realized until 1946. Only when the right to vote was granted to all men and women alike, did citizenship become a fundamental right, equally accessible for all inhabitants without taking into account class differences. Finally, acting as ‘governor’ was no longer the privilege of the wealthy and those who paid taxes, but a right and possibility for all. The ‘one man one vote’ principle prevented that differences in class would mean difference in the weight of the vote. In the course of the development of citizenship, gradually a decoupling emerged between a citizen's ownership of the nation-state (expressed in property) or a citizen's contribution to the resources of the state (expressed in taxation) and his or her right to vote, that is, his or her active participation in the polity. With this decoupling the foundation was laid for the social welfare state, which grants citizens the entitlement to benefits regardless of whether or not they contribute to the financial resources of the state.

Marshall underlines that citizenship does not eliminate differences in social class, but creates fundamental equality as citizens while maintaining the space for difference. What Marshall describes for citizenship in relation to class difference, is also applicable as a model for the relationship between citizenship and cultural, ethnic, religious and linguistic differences: Citizenship is the equal ‘floor’ in the debate on nationhood and belonging to the nation-state, without doing away with or wanting to obscure the existing differences. Citizenship is not in conflict with the identity differences that exist in each and every nation-state, but is the solid base for full participation of all in the polity. We will explore the reality of this possibility in chapter 8.

Who is the citizen?

If citizenship is the basis for rights and obligations, the definition of the citizen is of utmost importance in the modern nation-state. It is the answer to the question: Who is ‘in’ and who is ‘out’? Who is part of the people, the legitimate source of sovereignty, who can be asked to contribute to the functioning of the nation-state by voting, paying taxes and obeying the laws? Today’s nation-states use two different principles to define citizenship. The first is *ius solis*: Those who live on the territory of the state are defined as citizens, regardless of their religious, ethnic or linguistic roots. Living on the territory is the basis for granting a person the rights and the responsibilities attached to citizenship. The second principle is *ius sanguis*: 
Those who are the descendants of the people who built the country and lived there for generations are entitled to citizenship. This principle has often been connected with a primordial perspective on national identity: Nations have historic roots and only those who can claim that they are part of that history, should be considered as citizens of the nation-state.

Famous examples are the French (ius solis) and German (ius sanguis) way of identifying citizenship. In reality the picture is much more complex. In the European countries that apply the ius solis principle for citizenship, migration has challenged the debate about national identity, questioning whether the ius solis principle is a sufficient basis for citizenship and whether all citizens should not at least to some extent identify with the historic and cultural roots of the nation. The Netherlands has introduced exams and tests that migrants have to pass in order to acquire Dutch citizenship. These tests include questions to ascertain that immigrants are familiar with the Dutch history, culture and values.

The German approach to citizenship, traditionally build on the of ius sanguis with an emphasis on national descend, which granted German citizenship to the descendants of Germans who had settled in other (mainly Eastern European) countries, had to be modified to create access to citizenship for second- and third-generation migrants who are themselves born in Germany but whose parents and grandparents immigrated from Turkey and other non-European countries. In both cases the reality of ongoing migration challenges the traditional principle of citizenship and has created the need for a broader perspective on citizenship.

South Sudan and Scotland present two interesting examples in the recent history of the way nation-states in the making deal with the citizenship question. In South Sudan there was a huge and complicated debate about who was entitled to vote in the 2011 referendum about independence. Who could be considered South-Sudanese and therefore be part of the ‘people as sovereignty’ for the new nation that was anticipated? The South Sudanese decided it was important to include all those who had been forced to flee the country due to the civil war, regardless of whether they had ended up in Khartoum or other parts of ‘the North’ of Sudan, in Kenya or Uganda, or even outside the African continent. A complex system for defining eligibility for voting was made part of the agreement on the referendum, in which having one’s roots in South Sudan was the main principle.

In Scotland, the government took a very different approach to defining who was eligible to vote in the referendum about the independence of Scotland in September 2014. All people living in the territory, whether Scottish or citizen of any other country of the European Union were eligible
to vote. This meant that European Union students residing in Scotland for their studies could cast their vote while people who were born and raised in Scotland but who at the time of the referendum resided elsewhere, were barred from voting. It meant that many Scots living elsewhere in the United Kingdom were not entitled to vote, while many UK citizens without Scottish roots were. The government wanted to make a clear statement that it did not aim to create a purist, primordial image of Scotland, instead, that an independent Scotland would be a country open to all those who wished to live on its territory.

**Citizenship under pressure in a globalizing world**

As was hinted at above, citizenship itself has become a sensitive issue over the last decades of globalization and migration. To define who is a citizen and therefore, who has the right to participate in the polity, has become a battleground in the political debate.

Citizenship is indeed under pressure from two angles. First, citizenship is becoming a confused notion due to the process of globalization, which makes that nation-states have increasingly limited authority and power on the global stage. Citizens resort to the state as their representative and the one to defend their rights in the globalizing world, but increasingly states have to acknowledge that they are unable to fulfill these expectations. A growing body of international conventions and treaties may appear to fill the gap and act as the successor of the nation-state, but the truth is that there is no alternative international government that people are related to as citizens and which they can hold accountable – nor does it look like this is soon to happen. All the rights delineated in international conventions and treaties, for instance the Universal Declaration of Human Rights, need to be adopted by and enshrined in national legislation: The jurisdiction of international rights goes via the nation-state. In Europe, a supranational body of rights is emerging, that is, the European Court of Justice, but this Court has limited jurisdiction. In fact, current trends in the EU are more geared towards restricting the jurisdiction of the European Court of Justice than broadening it. International NGOs actively try to influence the policies

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10 In his book *The Globalization Paradox*, Dani Rodrik describes the problem of the incompatibility of globalization, free markets and democracy at the same time. The dominant neoliberal model of the economy democracy in the West runs the risk of being marginalized and being defeated by the globalized market forces.
of multilateral bodies, but they lack the strong legal position of the citizen. The global citizens are not the sovereignty on which a global system of governance is based. If global citizenship remains limited to a mere moral and ethical notion, this concept of citizenship will threaten the essence of citizenship and could lead to a hollowing out of the notion of citizenship.

There is a second development that threatens to undermine the power of citizenship as laying the foundation for equality.” Many labor-migrants in fact feel that they are second-class citizens based on how they are treated on the labor or the housing market where they experience subtle, and less subtle, forms of discrimination and selection. Those without a residence permit, ‘illegals’, are treated as non-citizens: They live in the country and contribute to the economy but are not entitled to civic, political or social rights. Asylum seekers are treated as halfway citizens: Allowed to reside in the country for the time being, enjoying limited social and civic rights but no political rights. In today’s reality of large-scale migration, forms of citizenship are emerging that undermine the notion of citizenship as equalizer in a society marked by diversity. And at the same time, at the other end of the citizenship spectrum, we see what Kate Nash calls a super-citizen: A citizen who is fully integrated in the nation-state that is part of the globalizing world and who by virtue of that is able to maximally benefit from his or her citizenship on national and global level.

Nation-building in fragile states starts with the acknowledgement of the people as the sovereign of the fragile nation-state. Even though there seems little or no sound basis for identifying these people as sovereigns by lack of resources and lack of power, drawing people center stage as legitimate ‘owners’ of the nation-state is a necessary basis for a theory and practice of nation-building in fragile states. It is from this fundamental position of the people as sovereign that we can build nation-states that respond to the political and socioeconomic and identity demands of people. In such a people’s sovereignty approach the focus is more on legitimacy and therefore on integrity than on effectiveness.

Vignette

Protecting the role of local organizations in Afghanistan

During the Dutch mission in Uruzgan (2006-2010) as part of ISAF, Cordaid supported the Afghan health organization AHDS. The collaboration between Cordaid and AHDS had started in 2002, long before the Dutch military took the responsibility for the Uruzgan province. During these years there was frequent contact and exchange between Cordaid and the ISAF mission and the Provincial Reconstruction Team (PRT): in The Hague at the ministry of foreign affairs, in Kabul at the embassy and in Tarin Kowt at Camp Holland. We discussed policies and strategies, shared analyses on actors and dynamics in an atmosphere of mutual trust. However, we never conducted operations jointly: In the field, development and military remained sharply separated. AHDS had the same approach, visiting the PRT at Camp Holland, discussing the situation in Uruzgan with staff of the embassy. But also claiming their operational space as strictly theirs.

After a battle between Dutch troops and the Taliban with casualties on the Dutch side, the Dutch suspected that some of the Taliban were wounded and were hiding themselves in the hospital of AHDS. Without any contact and previous information, Dutch military entered the hospital for a search to find out whether Taliban fighters were in the hospital. Right at that moment the medical director of the hospital was at Camp Holland for a meeting. He was totally upset and felt betrayed by the Dutch for not being connected and informed about the operation. Trust and good faith were jeopardized.

Cordaid took this as a serious violation of the relationship between the military and the development partners, both Cordaid and AHDS. As the CEO of Cordaid I sent a letter of protest to the chief of operations to complain and to ask for a clear statement about the relationship between the military and the development actors. As above all a clear sign in Tarin Kowt itself about the relationship between the military and AHDS and a clear signal of respect to the position of the medical director of the hospital. At a planned ceremony for handing over of the leadership of the mission at Camp Holland, the commander took ample time to praise the collaboration with the development partners and the role of the AHDS hospital as partner in the development process in the province.