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Dr. Makau wa Mutua

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BOOK REVIEW

PUTTING HUMPTY DUMPTY BACK TOGETHER AGAIN: THE DILEMMAS OF THE POST-COLONIAL AFRICAN STATE

COLLAPSED STATES: THE DISINTEGRATION AND RESTORATION OF LEGITIMATE AUTHORITY.

Edited by I. William Zartman

*Reviewed by Dr. Makau wa Mutua**

I. INTRODUCTION

The end of the Cold War has dramatically altered assumptions about the viability of the international state system and plunged the world into crises of sovereignty and statehood.¹

* Associate Director, Human Rights Program, Harvard Law School. LL.B. 1983, LL.M. 1984, University of Dar-es-salaam; LL.M. 1985, S.J.D. 1987, Harvard Law School. Visiting Professor, University of Puerto Rico School of Law, Summer 1995. Chairman, Kenya Human Rights Commission. The author is grateful to Henry Steiner for years of scholarly exchange and inspiration. He is especially grateful to his wife, Athena Mutua, for her unstinting support and intellectual contribution, without which this article would not have been possible.

1. Perhaps more than at any other time in recent decades, the world today is in the midst of acute social, political, and economic upheavals. These dislocations have been partially spurred by the end of the Cold War, a development that has seen the collapse of the post-1945 world order, premised in part, as it was, on the division between the West and the East. One example of these crises has been the speed with which some nation-states have ceased to exist and many others have been born out of the disfiguration of existing ones. For example, the former Soviet Union broke up into at least fifteen separate, independent, and sovereign states. East Germany and the Federal Republic of Germany have become one and Yugoslavia has split into Bosnia-Herzegovina, Croatia, Macedonia, Slovenia, and Serbia and Montenegro. On the African continent, Eritrea proclaimed its sovereign independence from Ethiopia in April 1993, after a long and bitter secessionist war. See *The Birth of New Nations*, BOSTON GLOBE, July 5, 1995, at 14 (discussing the

Nowhere is this crisis more keenly felt than in Africa.² It is as though the African state has gone from the frying pan and into the fire.³ Four decades after decolonization from European imperial rule, mounting evidence suggests the African post-colonial state may soon disappear. Despite halting attempts at democratization, its implosion appears to be progressing steadily. In virtually every statistical category, the state is in a downward spiral. Corrupt and dictatorial elites, unbridled militaries, ethnic tensions, and economic misery have arrested—and in many cases reversed—almost all positive development. Some Western writers have characterized the situation in Africa as anarchic.⁴

proliferation of new states in the post-Cold War period). Elsewhere, the state is under attack by advocates of democratic reform, as in most of Africa, or religious groups, as in north Africa and the Middle East, or a combination of religious groups, social movements, and ethnic forces. In a number of European states, particularly in Germany and France, Neo-Nazism, racist conservatism and paranoia are on the rise. In the United States itself, the April 19, 1995 Oklahoma City bombing, which may be related to white private militia groups, revealed a deep-seated hatred of the state by segments of the population, especially the syndrome of the so-called angry white male who blames his economic and social difficulties on state policies. He apparently seeks a new, as of yet undefined, social compact. See generally TIME, May 8, 1995 (the issue largely covers militia groups, their possible connection to the Oklahoma City bombing, and the rhetoric of right-wing extremism prevalent in radio talk shows and among some Republican Party circles). In short, there is throughout the globe a heightened, and perhaps unprecedented, tension between state, individual, and society in modern times. See Chester A. Crocker, *The Global Law and Order Deficit: Is the West Ready to Police the World's Bad Neighborhoods?*, WASH. POST, Dec. 20, 1992, at C1 (discussing the "disorder" of the post-Cold War period and the need for a new Western-led regime of processes and institutions to replace it).

2. As recently as a decade ago, it was inconceivable to imagine a world without the bipolar, Soviet-American bloc phenomenon. Virtually all political, academic, and policy discourses seemed trapped in that dialectic. If Washington and Moscow appeared to be preoccupied with each other's intentions and policies—and fashioned their domestic programs partially on that dynamic—the rest of the world was even more attentive to whispers and rumors from those capitals. Perhaps in no other continent was the weight of the Cold War more heavily felt than in Africa. There, governments of the left and of the right could rise or fall based on their execution of, or failure to execute, bloc interests. African states were captive to a degree that, for all intents and purposes, negated the concept of sovereignty.

3. The false "stability" offered to the African post-colonial state by the Cold War has been replaced by a vacuum, an unpatronized void, which has left ruling elites exposed. Unable to support itself or demand the loyalty of its citizenry, the state now faces collapse—if it already has not done so.

4. For a horrific account of Africa's problems, see Robert D. Kaplan, *The Coming Anarchy*, ATLANTIC MONTHLY, Feb. 1994, at 44 (discussing the chaos that he believes will inevitably result as governments in Africa and the underdeveloped world implode because of disease, environmental degradation, and religious and

The recent collapses of Liberia,⁵ Somalia,⁶ and Rwanda⁷ have given urgency to analyses about the nature and viability of African states. With over a dozen other states⁸ facing the risk of collapse, it would be irresponsible to pretend that the post-colonial state is not in deep trouble, if not doomed. I. William Zartman's *Collapsed States: the Disintegration and Restoration of Legitimate Authority*,⁹ a collection of excellent chapters by remarkable thinkers and keen students of African affairs, is the first work to critically confront the crisis of the African post-colonial state by examining in detail why and how eleven African states are in danger of collapsing, if they have not already done so, and how a number were brought back from their ruins. The book also offers vehicles, termed here as potential agents for reconstruction, for putting the collapsed state back together. These predictable recipes for reform,

ethnic hatreds). For another apocalyptic account of global problems, see Matthew Connelly & Paul Kennedy, *Must it be the Rest Against the West?*, ATLANTIC MONTHLY, Dec. 1994, at 61 (arguing that the world's survival is threatened by unbalanced wealth and resources, as well as unbalanced demographic trends, such as a rich North and an increasingly poor but populous South, and that the only way the North can save itself from being overrun by hungry hordes from the South is through a new North-South deal that reduces poverty, birth rates, and environmental degradation).

5. The Liberian state, a faithful client of the United States for at least a century, collapsed in 1990 after rebel forces led by Charles Taylor attacked the government of Samuel Doe, a brutally cruel military dictator. See generally LAWYERS COMMITTEE FOR HUMAN RIGHTS, *LIBERIA: A PROMISE BETRAYED* (1986) (examining the repression of political dissent and the excessive use of military force in the years preceding the rebellion); see also DEPARTMENT OF STATE, *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1990*, at 192-93 (1991).

6. Somalia, under the personal dictatorship of Mohammed Siad Barre, collapsed in 1991 when Barre was driven out of the capital, Mogadishu, by rebel forces. His rule was especially abusive. See generally AFRICA WATCH, *SOMALIA: A GOVERNMENT AT WAR WITH ITS OWN PEOPLE* (1990).

7. Rwanda collapsed in April 1994 after President Juvenal Habyarimana, a Hutu, was killed in a mysterious plane crash. The Tutsi-dominated Rwanda Patriotic Front (RPF), which since 1990 had been at war with the government, demanding the return of Tutsi exiles and the introduction of democracy, then took power in a genocidal war in which about 500,000 civilians were reportedly murdered. Makau wa Mutua, *U.N. Must Make Rwanda a Top Priority*, OAKLAND TRIB., May 25, 1994, at A13; *Genocide in Rwanda: April-May 1994*, HUM. RTS. WATCH/AFR., May 1994, at 2.

8. States which could collapse include Zaire, Nigeria, Burundi, Sudan, Angola, Mozambique, Ethiopia, Kenya, Cameroon, Sierra Leone, Togo, Algeria, and Chad. This list is by no means exhaustive.

9. *COLLAPSED STATES: THE DISINTEGRATION AND RESTORATION OF LEGITIMATE AUTHORITY* (I. William Zartman ed., 1995) [hereinafter *COLLAPSED STATES*].

which include democratization, humanitarian responses through the United Nations, foreign intervention, and the role of "strongmen," form part of an increasingly deafening international discourse on the subject.¹⁰ The book is divided into four thematic parts: 1) states that collapsed and were reconstructed; 2) states currently in collapse and in need of reconstruction; 3) states at risk of collapse; and 4) potential agents for reconstruction.

Conceptually, *Collapsed States* takes as non-negotiable the political landscape of Africa, particularly its states as constituted by colonial powers and confirmed by post-colonial elites. In other words, the book sees as its major task the exploration of the causes of state collapse, the symptoms and warning signs of such an eventuality, and potential responses to such crises. Fundamentally, *Collapsed States* is concerned with the restoration of the status quo, defined in this case as the preservation of the territorial integrity of the post-colonial state and its sovereignty.¹¹ In this review, I test the analytical and practical bases for this assumption and, by drawing from the excellent case studies in the book, examine what the possible "salvation" of the post-colonial state means in the context of demands for freedom and prosperity by Africans. In the process, I challenge the traditional conception—which drives the central thesis of the book—that, as constituted, the African state must be saved at all cost. Juxtaposed against the basic, ultimate justifications for the existence of any state, namely, the guarantee of personal security and protection of property,¹² I ask

10. Most of these suggested responses for reconstruction imagine or call for a proactive and central role by the industrial democracies of the West, presumably the only states with the will and resources to preserve the global state system. These prescriptions preoccupy UN agencies, the international development agencies of industrialized countries, nongovernmental actors and institutions, and regional inter-governmental organizations such as the Organization of African Unity (OAU).

11. Zartman writes that "[i]n the search for answers [about how to address state collapse], it is first necessary to reaffirm that reconstruction of the sovereign state is necessary." I. William Zartman, *Putting Things Back Together*, in *COLLAPSED STATES*, *supra* note 9, at 267. His full agenda is frankly revealed at the end of the book when he categorically states that "except for the current case of Ethiopia, there is not a case in this book for which a change in boundaries or secession of a territory is a necessary condition of state restitution." *Id.* at 268.

12. My assumption here, put simply, is that organized political society should exist for two basic reasons: the enhancement of individual and societal freedom and the creation of conditions for the advancement of material progress. On this basis, the state creates space in which individuals, defined either as singular units

why an institution that has failed to meet both needs should be reinstituted, even when incontrovertible evidence suggests that it has utterly failed. A state is not an end in itself but a means to the creation of conditions for the happiness of the highest possible number of people. When that basic premise is violated, and is no longer the rationale for the existence of the state, then it becomes questionable why anyone would advocate the "redemption" of such an entity.

II. DIAGNOSIS FOR THE FAILURE OF THE POST-COLONIAL STATE

In his introduction, Zartman distinguishes state collapse from "mere rebellion, coup, or riot."¹³ Rather, he defines it as a "situation where the structure, authority (legitimate power), law and political order have fallen apart."¹⁴ Although the phenomenon is not peculiarly African, as evidenced by the collapse of the Soviet Union and a number of other formerly communist European states in the last six years, Zartman concedes it is more prevalent in Africa.¹⁵ Rejecting the hypothesis that state collapse is a post-colonial phenomenon, Zartman isolates it to "a condition of nationalist, second or later generation regimes ruling over established (i.e., functioning) states."¹⁶ This isola-

or communities, can free themselves from the deleterious effects of nature and the despotic or abusive impulses of fellow beings. The state's despotic and abusive tendencies are contained by individuals and society, and extreme individualism is restrained by society, the state, and the common good.

13. I. William Zartman, *Introduction: Posing the Problem of State Collapse*, in COLLAPSED STATES, *supra* note 9, at 1.

14. *Id.*

15. *See id.* at 2.

16. *Id.* Zartman's neatly phrased reasoning is problematic because he does not explain why, if so many post-colonial African states have failed, state collapse is not a post-colonial phenomenon. It is such assertions that create problems for the central thesis of the book because they preclude a discussion of other reasons for state failure. For example, Zartman excludes the failure of the Congolese (now Zairian) post-colonial state in 1960-1961 from the phenomenon under examination and claims that the Congo's failure was an exception to the "otherwise successful transfer of authority from colonial to independent rule." *Id.* He argues that in the Congo it was the colonial state that failed because state institutions failed to recognize each other. *Id.* In fact, the collapse of the post-colonial Zairian state was only more immediate because the contradictions within its predecessor, the colonial state, were sharper, and external interference more acute, than in other cases on the continent. The Congo was so large and underdeveloped at independence that it lacked a viable state infrastructure and leadership with a modicum or even pretense of national cohesion. To make matters worse, a Belgian-led secessionist effort in the mineral-rich Katanga and the murder of Patrice Lumumba, the country's

tion appears to be false because similar problems were later responsible for state collapse elsewhere in Africa.¹⁷ The same could be true of his observation that state collapse has occurred in two basic waves: from the late 1970s until the early 1980s and in the late 1980s until today. This author holds the view that state collapse has been a gradual process that started with independence and continues to the present, with the actual physical collapse as mere evidence of moral and political decay that has its roots in the nature of the state.

Discussing the concept of state collapse, Zartman correctly points out that the phenomenon occurs because states "can no longer perform the functions required for them to pass as states."¹⁸ A state only exists if it can exercise sovereign authority over a territory and a defined population.¹⁹ According to Zartman:

This definition focuses on three functions: the state as the

first democratically-elected prime minister, in which the American CIA and Mobutu Sese Seko were implicated, brought the state down. See LAWYERS COMMITTEE FOR HUMAN RIGHTS, ZAIRE: REPRESSION AS POLICY 15-17 (1990); Stephen Weissman, *The CIA and US Policy in Zaire and Angola*, in AMERICAN FOREIGN POLICY IN SOUTHERN AFRICA: THE STAKES AND THE STANCE 381, 383-432 (René Lemarchand ed., 1978); SELECT COMM. TO STUDY GOVERNMENTAL OPERATIONS, ALLEGED ASSASSINATION PLOTS INVOLVING FOREIGN LEADERS, S. DOC. NO. 465, 94th Cong., 1st Sess., 14-15 (1975). Similar conditions partially contributed to state collapse elsewhere on the continent in the 1970s.

17. In any case, Zartman's assertion that state collapse occurred in situations of "established" and "functioning" states is somewhat of an exaggeration, to say the least. Even today, nearly four decades into post-colonialism, those terms—"established" and "functioning"—ring false when applied to African statehood. If the terms imply internal legitimacy, a distinct national identity and consciousness, and the unrivaled ability to command the loyalty and obedience of the citizenry for the purposes of running the state, then Zartman could not be further off the mark, particularly if he refers to African states in the 1970s and the 1980s. Many of the states on the continent had begun to fail even before they were consolidated. See Michael Bratton, *Beyond the State: Civil Society and Associational Life in Africa*, 41 WORLD POL. 407, 409 (1989). Gilbert Khadiagala argues, in the case of Uganda, that "Idi Amin [the military dictator who ruled from 1971-1979] destroyed a state that was still being made, a state groping with rudimentary tasks of broadening its authority over an uncertain territory, against a background of scarce resources and unrefined administration." Gilbert M. Khadiagala, *State Collapse and Reconstruction in Uganda*, in COLLAPSED STATES, *supra* note 9, at 35.

18. Zartman, *Introduction*, *supra* note 13, at 5.

19. Under extant international law, a state "is an entity that has a defined territory and a permanent population, under the control of its own government, and that engages in, or has the capacity to engage in, formal relations with other such entities." RESTATEMENT (THIRD) OF THE LAW: THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 201 (Am. Law Inst. 1986).

sovereign authority—the accepted source of identity and the arena of politics; the state as an institution—and therefore a tangible organization of decisionmaking and an intangible symbol of identity; and the state as the security guarantor for a populated territory. Because these functions are so intertwined, it becomes difficult to perform them separately: a weakening of one function drags down others with it. It also becomes difficult to establish an absolute threshold of collapse.²⁰

The state then collapses when it is unable to perform this trilogy of functions and when the following characteristics become manifest. First, as a decision-maker, it becomes paralyzed and cannot make laws or preserve order.²¹ Second, it fails as a “symbol of identity” and cannot confer “a name on its people and a meaning to their social action.”²² Third, it fails when its territory is not protected by a central sovereign power.²³ Fourth, it fails to organize the economy and is completely unable to give coherence to socio-economic relations.²⁴ Finally, it is not able to receive or demand support from the citizenry and, as a result, is no longer the target of the people’s demands.²⁵ Such a state cannot govern and has “lost the right to rule.”²⁶ This descriptive catalogue still does not say why the state fails. Zartman’s explanation again begs the question.

In his attempts to explain the phenomenon, Zartman asks whether the state collapsed because it was the “wrong institution” or because it was not “appropriately African.”²⁷ He re-

20. Zartman, *Introduction*, *supra* note 13, at 5.

21. *Id.*

22. *Id.*

23. *Id.*

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.* at 6. These questions appear designed to silence the thought that there could be something inherently wrong with the post-colonial state. Zartman implausibly argues that no central theme runs through all the cases of collapsed states. If that is the case, I do not know how he can account for fairly obvious defining characteristics of the African post-colonial state, especially the failed ones, such as alienated elites who have not articulated a coherent national interest, a generally despotic state resentful of any functioning and independent civil society, and an undefined national identity on the part of the citizenry, to mention a few. For an impressively analytical work on the tyranny and alienation of the post-colonial state from civil society in Africa, and Zaire in particular, see MICHAEL G. SCHATZBERG, *THE DIALECTICS OF OPPRESSION IN ZAIRE* (1988).

sponds in the negative in both instances although he admits that the state's poor performance of the functions of statehood, such as "representation, interest articulation, [and] output efficiency" contribute to the collapse.²⁸ But he concludes that tyranny and the authoritarianism of the "hard state"²⁹ are reasons for its collapse. The rest of Zartman's introductory chapter is devoted to *how* the state collapses, with no further discussion of *why* it collapses.

The authors of the succeeding chapters—whose case studies cover Chad, Uganda, Ghana, Somalia, Liberia, Mozambique, Ethiopia, Angola, Zaire, Algeria, and South Africa—do a better job of disaggregating the reasons for state collapse amid complicated and troubled national histories. A thoughtful explanation is offered by Barry Schutz in his examination of the struggle for statehood in Mozambique:

States collapse, or fragment, when their foundations of legitimacy, reposing in civil society, become frayed and torn. New states that have recently acquired independence are especially vulnerable to collapse because the principles of governmental legitimacy have yet to be fully espoused or understood, due to an inchoate sense of nationhood.³⁰

Schutz notes that FreLiMo³¹ tried hard to inculcate a sense of nationhood in the population during its fourteen year armed struggle. However, the sheer size of the country, its underdeveloped state, and its ethnic diversity precluded the formation of a resilient national identity. He writes further that:

Too often we assume the existence of a state. The international community is presently enmeshed in a struggle to maintain the existence of states whose legitimacy (as states) has crumbled. *All states are creations of conflict, consensus,*

28. Zartman, *Introduction*, *supra* note 13, at 6.

29. In the hard state, tyranny is institutionalized and coercion becomes public policy. As a consequence, the citizenry, as in apartheid South Africa and the former Soviet Union, does not provide the state with its "allegiance and legitimizing support." *Id.* at 7.

30. Barry Schutz, *The Heritage of Revolution and the Struggle for Governmental Legitimacy in Mozambique*, in *COLLAPSED STATES*, *supra* note 9, at 109.

31. "FreLiMo" is the Portuguese acronym for the Front for the Liberation of Mozambique, the liberation movement that in 1974 overthrew over 300 years of Portuguese colonialism in the east African country. *Id.* at 110.

*and contrivance, but perhaps the states of Africa are the most contrived of all. In very few circumstances were the states formed on the basis of internal dynamics. Most of them were configured by the imperatives of European power politics at the end of the nineteenth century. As a result, African states are especially subject to fragmentation and reconfiguration based on the claims and consequences of internal dispute and the conflict and external ambitions and operations.*³²

In the case of colonial Mozambique, the above factors, coupled with the lack of a developed civil society and an extremely inept colonial power, left behind a dispersed, unconnected, and decentralized population. Incipient national identity, if any existed, was at its very rudimentary stages. In such circumstances, the post-colonial state was at a great disadvantage in its attempt to cultivate political legitimacy. This task was further complicated by its radical, coercive policies and the destabilization campaigns of Rhodesia and apartheid South Africa.³³ This combination of events and the civil war started by RENAMO³⁴ served to bankrupt the fragile economy and

32. Schutz, *supra* note 30, at 112 (emphasis added). Schutz adds that: Mozambique is no exception to this pattern. It was created by Portuguese interest, expanded by Portuguese appetite, and territorially configured by the interests of the international [European] community of states, notably Portugal and Great Britain. Mozambique's present borders were internationally legitimized by Cecil Rhodes's refusal to annex Mozambique to the (then) Rhodesias after his deputy, Starr Jameson, led an unauthorized Rhodesian expedition into Mozambique in 1893 in order to claim it for the British Crown. Rhodes did not believe it was necessary to annex Mozambique in order to dominate it. This pattern of global and regional hegemony over Mozambique persists to the present.

Id.

33. Although initially the FreLiMo government attempted to buy legitimacy by extending educational and health services to regions of the country which had hitherto been neglected and exploited, in 1977 it reversed course and adopted doctrinaire Marxism. According to Schutz:

That was the year FreLiMo made its fateful decision to adopt a hard, radical Marxist-Leninist approach and to enlist the support of the Soviet Union and its bloc in this process. . . . But the decision to impose a radical, collectivizing, rapidly industrializing policy with no room for gradualism initiated a series of events that alienated the population, dried up the availability of consumer goods, created greater dependency on the Soviet bloc, and, worst of all, elicited fear and provocation in the governments of Rhodesia, South Africa, and ultimately, the United States.

Id. at 114.

34. Soon after its independence, the FreLiMo government granted refuge and bases to Zimbabwean liberation movements fighting against the Ian Smith regime

caused the state to collapse. In his excellent contribution on Mozambique, Schutz goes beyond a superficial descriptive approach and successfully attempts to pinpoint why the state collapsed. Unlike Zartman, he locates the reasons in the nature of the colonial and post-colonial state.

Michael Foltz makes a less determined case in his contribution on Chad, although his discussion of reconstruction is very detailed and informative.³⁵ This chapter, which focuses primarily on the reconstruction of the state, notes that the "absence of large-scale solidaristic structures"³⁶ contributed to state collapse. He lists these structures as the country's "ethnically diverse social mosaics,"³⁷ the further segmentation of ethnic groups,³⁸ religion, and regionalism.³⁹ But these char-

in Rhodesia. The white Rhodesian army in turn increased its raids in Mozambique and orchestrated the creation of RENAMO, the Portuguese acronym for the Mozambican National Resistance (MNR), a collection of colonists opposed to FreLiMo. In 1980, upon independence, the Robert Mugabe government in Zimbabwe cut its links to RENAMO which then became South Africa's client. Under South African patronage, RENAMO became an effective fighting force whose brutality over innocent civilians was unmatched until it agreed to a ceasefire in 1992. RENAMO took part in the country's first contested elections in October 1994 and forms the official opposition. *See id.* at 116-19.

35. William J. Foltz, *Reconstructing the State of Chad*, in COLLAPSED STATES, *supra* note 9, at 15.

36. *Id.* at 16.

37. *Id.* at 16-17. Prior to its creation by the French as a state in the nineteenth century, the area now known as Chad was composed, as was the rest of Africa, of indigenous states and political organizations, made up usually of the same ethnic or linguistic communities. The country's five million people are drawn from between 72 to 110 language groups. *See id.* at 116 (citing JEAN CHAPPELLE, *LE PEUPLE TCHADIEN: SES RACINES, SA VIE QUOTIDIENNE, SES COMBATS* (1980)).

38. He notes, in what I think is a typically Western description of African ethnicity, that "it would be unusual for a whole linguistic or ethnic group to mobilize behind a single leader or cause." *Id.* at 17. I suspect that this observation is a mischaracterization of the form of individualism prompted by the nomadic cultures prevalent in the region. Left the way Foltz states it, it leaves the impression of an unruly, anarchic people, incapable of social organization. This image of a warlike people is underlined by Foltz's observation that "in the north [of Chad], among the Tubu and related peoples like the Bideyat and Zaghawa, fighting prowess is a normal and practiced male attribute, with feuds an integral part of social life." *Id.* at 18 (citing CATHERINE BAROIN, *ANARCHIE ET COHÉSION SOCIALE CHEZ LES TOUBOU* (1985)). This is an interesting, if not offensive observation. To charge the Chadian peoples with a unique love for warfare, and then to attribute it to state collapse, crosses the boundary of good scholarship. Can a similar charge be laid at the door of the English, who for centuries dominated the world through violence, or the Germans, who were key authors in two of the worst wars that humankind has ever known? Or even early European settlers in the Americas who wiped out virtually entire indigenous populations? Resentment about a totalizing

acteristics alone, which are present in other African societies, do not explain why Chad collapsed. In 1965, barely five years after independence from France,⁴⁰ the state was engulfed in active revolt as peasants protested what Foltz calls an "overbearing, venal, and incompetent administration."⁴¹ The state was unable to contain the localized revolt and soon the whole country was overtaken by civil strife which led to state collapse.⁴² What collapsed was an incoherent and undefined political organization, headed by a narrow elite which was in charge of a people and a territory who did not identify with it.

The discussion on Ghana by Donald Rothchild⁴³ spells out the state contraction model⁴⁴ of state collapse, and uses it to explain why and how the Ghanaian state collapsed. After the overthrow of Kwame Nkrumah, the charismatic first Ghanaian head of state in 1966,⁴⁵ three highly authoritarian military dictatorships ruled over the state until control was transferred

central authority is one thing, anarchy quite another. Foltz is right, however, when he notes that "[s]ocial segmentation accentuated the tendency toward factionalism in political and military organization." *Id.* at 17. Although it is important to note here that, in the context of the post-colonial state, social segmentation does not take place in a vacuum; it partially continues because the state manipulates ethnicity and other social cleavages or fails to create other, more unifying, or countervailing, identities.

39. *Id.* at 17-18. Moreover, Islamic, Christian, and African religions among other factors have contributed to the shifting alliances in the history of Chadian post-colonialism.

40. Chad became an independent state in 1960. 3 NEW ENCYCLOPEDIA BRITANICA 51 (15th ed. 1994).

41. Foltz, *supra* note 35, at 15.

42. *Id.*

43. Donald Rothchild, *Rawlings and the Engineering of Legitimacy in Ghana*, in COLLAPSED STATES, *supra* note 9, at 49.

44. This model talks about state deterioration from within, as opposed to the societal conflict model in which non-state, societal actors limit, isolate, and marginalize the state, eventually destroying the center, but are unable to fill it. In the contraction model, wracked by its own incapacity, the "state is unable to offer effective leadership; it loses credibility as a political and economic manager. Its effectiveness or 'collapse' is more a consequence of its own decline and general incapacity to govern than an inability to cope with the pressures of powerful counterelites." *Id.*

45. Frank Agyekum, *Ghana-Politics: Pan-Africanist Star on the Wane*, Inter Press Service, June 20, 1995, available in LEXIS, News Library, INPRES File; *Ghana Inaugurates Nuclear Reactor*, Xinhua News Agency, Mar. 9, 1995, available in LEXIS, World Library, XINHUA File; Philip Sweeney, *Symphonies for a Continent: The Pan African Orchestra Uses Native Instruments to Create a Novel Sound*, INDEPENDENT (London), Aug. 9, 1994, at 20.

to the elected civilian government of Hilla Limann in 1979.⁴⁶ Continuing a generalized state collapse which had preceded his rule, Limann witnessed the implosion of his state barely two years later.⁴⁷ Steep declines in revenue and the regime's unwillingness to forge alliances with major societal groups precluded its ability to acquire legitimacy.⁴⁸ In the end, the state was destroyed because it was alienated from Ghanaian society.⁴⁹

Problems of state alienation from society, economic crises, and religious tensions caused the collapse of Algeria⁵⁰ and Liberia,⁵¹ while the gradual but managed succession⁵² of the apartheid state in South Africa resulted from its inherent illegitimacy and its inability to continue to function as the guarantor of the interests of a racist minority and the oppressor of the black majority.⁵³ In the case of Ethiopia,⁵⁴ prolonged periods of tyranny⁵⁵ have denied the state legitimacy,

46. Rothchild, *supra* note 9, at 52.

47. *Id.* at 54-55.

48. *Id.* at 53-54.

49. *Id.* at 50-55.

50. Azzedine Layachi, *Algeria: Reinstating the State or Instating Civil Society*, in COLLAPSED STATES, *supra* note 9, at 171.

51. Martin Lowenkopf, *Liberia: Putting the State Back Together*, in COLLAPSED STATES, *supra* note 9, at 91. The brutal regime of Samuel Doe, which took over in a military coup from the detached Americo-Liberian ruling elite in 1980, was itself torn apart when it could not contain an insurgency in 1990.

52. I prefer the term "succession" of the state to "collapse" because I think it is too early to say whether the apartheid state has definitively collapsed, particularly when in general terms racially driven economic inequalities—the purpose and legacy of apartheid—remain roughly the same as before. The so-called post-apartheid state objectively protects those inequalities even as it attempts to implement social and economic programs to reverse the condition. But states cannot be judged merely on the basis of abstract policies, laws, or intentions; rather, it is the essence of social and economic relations that count.

53. Sipho Shezi, *South Africa: State Transition and the Management of Collapse*, in COLLAPSED STATES, *supra* note 9, at 191.

54. Edmond Keller, *Remaking the Ethiopian State*, in COLLAPSED STATES, *supra* note 9, at 125.

55. The Ethiopian empire was woven together through the conquest of diverse nations. However, from the very early days of the state, whose genesis goes back over two millennia:

There were no meaningful efforts to integrate the broad masses of subject peoples into the expanded political system, except to forcibly impose Amhara-Christian culture upon them and to extract economic resources from them. This in large measure inhibited the development of a sense of Ethiopian national identity among the people of the southern periphery.

while the civil war in Angola⁵⁶ has not given the state a chance to attempt its own legitimation. In Zaire, one of the most depressing cases on the continent, the dictator Mobutu Sese Seko refuses to allow any attempt at state reconstruction, although his country has collapsed owing to its inability to perform virtually all the functions of statehood, except perpetuate his tenure as dictator.⁵⁷ The 1994 collapse of Rwanda, which came too late for *Collapsed States*, is perhaps the most tragic failure of a state. Among other factors, the manipulation of ethnicity by Belgium, Rwanda's former colonial power, contributed to the polarization of Hutu-Tutsi relations and partially led to the intensification of the hatreds which sparked genocidal massacres.⁵⁸

Excellent as the case studies in *Collapsed States* are, they generally neglect to place the failure of the post-colonial Afri-

Id. at 127.

Elsewhere in the country, the same pattern was repeated. "For the most part, Haile Selassie [Emperor until his overthrow by a military junta led by Mengistu Haile Mariam in 1974] was able to repress sentiments for self-determination among the Oromos [the country's largest ethnic group], Somalis, and Afar throughout his reign, largely with the aid and military and economic assistance of the United States." *Id.* at 126-27. The Tigrayan and Eritrean secessionist movements overthrew the brutal dictatorship of Mengistu Haile Mariam, who had continued the suppression of non-Amhara groups, as well as dissident Amharas, under the veneer of Marxist-Leninism, in 1991. *Id.* While the Eritreans established their own sovereign state in 1994, the Tigrayans took over the collapsed Ethiopian state, and are reconstructing it, regrettably, by cynically manipulating ethnicity. See Keller, *supra* note 54, at 132-39; see also Makau wa Mutua, *The New Oligarchy*, AFR. REP., Sept.-Oct., 1993, at 27-31 (discussing the increasing despotism of the ruling Tigrayan elite and their ethnically-driven divide and rule strategy).

56. Leonid L. Fituni, *The Collapse of the Socialist State: Angola and the Soviet Union*, in COLLAPSED STATES, *supra* note 9, at 143.

57. Herbert Weiss, *Zaire: Collapsed Society, Surviving State, Future Policy*, in COLLAPSED STATES, *supra* note 9, at 157. Pressure for democratic reform led to a national conference which stripped Mobutu Sese Seko of virtually all power in 1992. However, he defied the conference and has continued to rule through his control of the military without any constitutional basis. The state has been completely paralyzed and it could break apart at any time. See *Zaire: Violence Against Democracy*, AMNESTY INT'L (London), Sept. 16, 1993, at 1.

58. Ali Mazrui, the renowned academic, has written that "[e]thnic duality without regional separation can be a prescription for hate at close quarters. Rwanda's and Burundi's tragedies are a combination of ethnic duality, population density, geographic intermingling and the legacies of colonial and pre-colonial relationships." Ali Mazrui, *The African State as a Political Refugee: Institutional Collapse and Human Displacement* 13 (Sept. 8-10, 1994) (paper given at the Symposium on Refugees and Forced Population Displacements in Africa, Addis Ababa, Ethiopia, on file with author) [hereinafter *African State as Refugee*].

can state where it should truly rest, within the dynamic of post-colonialism and the inability of the colonial state to metamorphose into a viable and prosperous political and social organization. Although one can read patterns in the case studies and their attempts to rationalize recurrent problems as particularized crises, there is little meaning in failing to admit what has today become an obvious reality: across the African continent, almost without exception, the post-colonial state has been in gradual decay from the time of its inception. Rather than make excuses for it, I prefer to directly confront the post-colonial African state, critically examine its nature, and determine why it has been such a disappointment.

The "Scramble for Africa," purportedly given "legal" cover by the 1885 Berlin Conference,⁵⁹ which was driven by the need for raw materials and markets for European capitalism, is responsible for the imposition of the modern state on Africa.⁶⁰ Once European powers had agreed on "spheres of influence," effective occupation was achieved through wars of conquest or fraudulent treaties of "protection" with rulers of pre-colonial African states and communities.⁶¹ After such conquest—which took the last two decades of the nineteenth century—the imposition of the colonial state was effected, usually by combining, arbitrarily, several pre-existing pre-colonial states or communities. By the turn of the century, thousands of previously sovereign and independent political entities were compressed into about forty completely new and uniquely arti-

59. The conference was put together to harmonize imperialist desires and avoid war among the major powers of Europe. The unexpected French takeover of Algeria in 1830, the British seizure of Egypt and the Suez Canal, King Leopold's [of Belgium] claim over large chunks of land in central Africa, and Germany's intentions of occupying colonies of her own necessitated a forum to divide up the African continent. See BASIL DAVIDSON, *AFRICA IN HISTORY* 283-84 (1991).

60. Crawford Young, *The Heritage of Colonialism*, in *AFRICA IN WORLD POLITICS* 19 (John W. Harbeson & Donald Rothchild eds., 1991). Describing the "Scramble," Young writes that "Africa . . . was a ripe melon awaiting carving Those who scrambled [the] fastest won the largest slices and the right to consume at their leisure the sweet, succulent flesh. Stragglers snatched only small servings or tasteless portions; Italians, for example, found only desserts on their plates." *Id.* at 19.

61. In many cases, colonization was achieved through a "process of infiltration, steadily advanced until the stage of 'effective occupation' could be reached, behind the screen of [fraudulent] 'treaties of protection'. These were 'signed' with one or another European power by chiefs who could seldom or never understood the intentions of their new 'protectors.'" DAVIDSON, *supra* note 59, at 286.

ficial states.⁶²

In creating the new states, European powers treated Africa as *terra nullius* or no-man's land, which is territory that belongs to no one because it is uninhabited and unclaimed. The chilling words of a British official are telling:

In those days we just took a blue pencil and a rule, and we put it at Old Calabar, and drew that blue line to Yola I recollect thinking when I was sitting having an audience with the Emir [of Yola], surrounded by his tribe, that it was a very good thing that he did not know that I, with a blue pencil, had drawn a line through his territory.⁶³

No attention was paid to pre-colonial inter-state/community relations in the creation of the new states. In a number of instances, the same community was split between two or more new states, destroying its physical integrity. The cases of the east African Masai and the west African Ewe are two of the most notorious ones.⁶⁴ Ian Brownlie has written:

Within a framework of political bargaining [between imperialist rivals], the accidents of prior exploration and military penetration were often to determine delimitation as between Britain, France, and Germany. Thus was the map of West Africa drawn. In any case lines were commonly drawn on maps at a stage when there was no great knowledge of the region concerned. The boundaries which emerged were generally based upon geographical features, especially rivers and

62. Only a few states retained a semblance of their pre-colonial territorial identities: Botswana, Burundi, Egypt, Ethiopia, Lesotho, Madagascar, Morocco, Rwanda, Swaziland, and Tunisia. See Young, *supra* note 60, at 19.

63. J. C. ANENE, *THE INTERNATIONAL BOUNDARIES OF NIGERIA 1885-1960: THE FRAMEWORK OF AN EMERGENT NATION* 3-4 (1970) (quoting *The Geographical Journal*, vol. xxviii, Proceedings, March 9, 1914) (the official quoted was involved in the creation of the boundary between Nigeria and Cameroon). A more remarkable admission was made by Lord Salisbury, the British Prime Minister, at a dinner in 1890 following the conclusion of the Anglo-French Convention which established "spheres of influence" in west Africa. He stated:

We have been engaged in drawing lines upon maps where no white man's foot ever trod; we have been giving away mountains and rivers and lakes to each other, only hindered by the small impediment that we never knew exactly where the mountains and the rivers and lakes were.

Id. at 3.

64. The Masai were split between Kenya and Tanganyika [Tanzania] and the Ewe between Togo and Ghana. See IAN BROWNLIE, *AFRICAN BOUNDARIES: A LEGAL AND DIPLOMATIC ENCYCLOPEDIA* 6 (1979).

watersheds, and astronomical or geometric lines.⁶⁵

In other cases, communities with a history of tension and even war between them were coerced into living together in the new state. Except for the piece by Barry Schutz and, to some extent, Gilbert Khadiagala,⁶⁶ *Collapsed States* does not relate the failure of the post-colonial state to its contrived beginning and the colonial policies which served to disarticulate any sense of nationhood⁶⁷ that might have developed. Zartman explicitly rejects this line of reasoning when he states that state collapse is not a post-colonial phenomenon.⁶⁸ The argument that only states created through consensus or other less violent methods can be viable is ridiculous for obvious reasons. But it is legitimate to inquire whether states born out of the forceful dismantlement of sovereign and independent entities, and then coercively amalgamated into unitary, foreign-ruled states, without any regard whatsoever for extant economic, demographic, cultural, linguistic, religious, and other social factors, could indeed cohere⁶⁹ into viable entities.⁷⁰ It is too demeaning to Africa to assume that pre-colonial national identities have been irreversibly trumped by the colonial state.⁷¹

65. *Id.*

66. See Schutz, *supra* note 30; see also Khadiagala, *supra* note 18.

67. Colonialism imposed a perverted "unity" on Africans through the centralized state because Africans saw themselves as victims of an oppressive, racist outsider. As Julius Nyerere noted: "colonization had one significant result. A sentiment was created on the African continent—a sentiment of oneness." Julius K. Nyerere, *Africa's Place in the World*, in SYMPOSIUM ON AFRICA 149 (1960) (discussing Africa's aspirations and changing political status on the eve of massive decolonization). But what Nyerere failed to mention was the "disunity" fostered by colonial policies, a legacy that today spells doom for the post-colonial state.

68. Zartman, *Introduction*, *supra* note 13, at 2.

69. Unlike most states elsewhere, African states and the borders which contain them are not "the visible expression of the age-long efforts of [African] peoples to achieve political adjustment between themselves and the physical conditions in which they live." THE CHANGING WORLD: STUDIES IN POLITICAL GEOGRAPHY 54 (W. Gordon East & A.E. Moodie eds., 1956).

70. According to Barry Schutz, African states are the most contrived of all states and are therefore especially vulnerable to internal conflicts because of an underdeveloped or undeveloped sense of nationhood. See Schutz, *supra* note 30, at 112-13.

71. A equivalent analogy would be a hypothetical nineteenth century conquest of European states by imperial African states and the forceful combination of, say, Germany and France into Europa, a unitary colonial state. If, after one century of foreign African rule, Europa was decolonized as one entity, it is very difficult to

Collapsed States should have inquired as to what colonial policies reveal about that state and its successor. Perhaps no other policy was more inimical to the creation of a national consciousness among Africans than that of divide and rule. This strategy, which favored one nation or community at the expense of others, was designed to divide the population to make it easier to rule and exploit. The colonial state employed it in every sphere of life, pitting groups against each other and heightening ethnic tensions. Rwanda,⁷² which is the latest post-colonial state to collapse, offers a vivid example of how the policy has worked. Dixon Kamukama has succinctly captured the policy in the following language:

First, they [the Belgians] helped king Musinga [a Tutsi] to consolidate his power on the pretext that the Tutsi were *de facto* rulers. They took up most of the pre-colonial state machinery and functionaries and used it under the mantle of indirect rule. . . . As a result of this colonial policy, by the 1950's the Tutsi held 43 Chieftdoms, 549 out of the 559 sub-chief positions, 83% of posts in such areas as the judiciary, agriculture and veterinary services.⁷³

Such favoritism, which frequently led to sharp animosities,⁷⁴ was commonplace. In Uganda, the Buganda⁷⁵ were used by the British to carry out punitive expeditions against their neighbors in return for more territory.⁷⁶ Uneven devel-

see how it could be viable, even for one year.

72. Before the collapse of Rwanda in 1994, over 85% of the population was Hutu, about 12% Tutsi, and 1% Twa. Mutua, *supra* note 8, at A13. Prior to the arrival of the Belgian colonialists, the Tutsi ruled over the Hutu in a feudal-client relationship. *Id.* The distinctions between the three groups are not ethnic, but scholars disagree as to whether they are sub-groups, classes, or castes. *Id.* At any rate, the genocidal massacres prevalent today appear to have been partially caused by the manipulative colonial rule which sought to exploit social cleavages between the Hutu and the Tutsi. *Id.*

73. DIXON KAMUKAMA, RWANDA CONFLICT: ITS ROOTS AND REGIONAL IMPLICATIONS 21 (1993).

74. In the case of Rwanda, the Hutus rose up against the repressive Tutsi-Belgian rule in 1959. See Mutua, *supra* note 7, at A13. Many Tutsis were killed in that successful nationalist revolt. *Id.* The Belgians quickly switched sides, abolished the authoritarian monarchy, and granted the country independence in 1962 under Gregoire Kayibanda, a Hutu. *Id.* In a reversal of fortunes, the Tutsi took power in 1994. *Id.*

75. The Buganda Kingdom was one of the most established pre-colonial states. See ROLAND OLIVER & ANTHONY ATMORE, AFRICA SINCE 1800, at 18, 24 (1967).

76. *Id.* at 152.

opment between regions, lack of administrative and other links between different communities, and emphasis on educating petty bureaucrats who ordinarily owed allegiance only to the colonial state did nothing to foster a national identity. In fact, the struggle to end colonialism was the one sentiment that seemed to create unity. But as history has now shown, that unity was not sufficient to imprint indelibly a national consciousness.

The contrived state—and its concocted citizenry—are central problems in state failure. What most of the authors in *Collapsed States* see as weak states are entities that never developed into nation-states. Almost universally throughout Africa, the post-colonial state has failed to wrest the loyalties of its citizens from pre-colonial identities.⁷⁷ Neither the governors nor the governed have a deep consciousness about the “nation.” According to Robert Jackson, this rootlessness is evident in the post-colonial state:

Citizenship means little, and carries few substantial rights or duties compared with membership in a family, clan, religious sect or ethnic community. Often the ‘government’ cannot govern itself, and its officials may in fact be freelancers, charging what amounts to a private fee for their services. The language of the state may be little more than a facade for the advancement of personal or factional interests by people who are only nominally judges, soldiers, bureaucrats, policemen or members of some other official category. In short, many states in sub-Saharan Africa are far from credi-

77. Art Hansen has put the difficulty, if not the impossibility, of transforming the colonial state into a viable state in a powerful passage:

The term “nation” refers to a group that shares a common history and identity and is aware of that; they are a people, not just a population. Using that definition, ethnic groups (once called tribes) in Africa are also nations. None of the new African states were originally nation-states Each of the new states contains more than one nation. In their border areas, many new states contain parts of nations because the European-inspired borders cut across existing national territories. Thus one of the major tasks confronting the leaders of the new African states was creating nations. *This task was often referred to as creating a national consciousness, but that was misleading. There was no nation to become conscious of; the nation had to be created concurrently with a consciousness.*

Art Hansen, *African Refugees: Defining and Defending Their Human Rights*, in *HUMAN RIGHTS AND GOVERNANCE IN AFRICA* 139, 161-62 (Ronald Cohen et al. eds., 1993) (emphasis added).

ble realities.⁷⁸

The problem then is not that African states are weak, but that they were never real in the first place. Yet, despite their inability to become real nations, develop economically, and win the allegiance of their populations, during the cold war African post-colonial states, even when they failed, usually found external patrons to prop them up again.⁷⁹ In fact, the most successful enterprise of the post-colonial state has been the preservation of Africa's colonial map, through the sacralization of colonial borders. Indeed, until Eritrea seceded from Ethiopia in 1993, there had not been a single case of the dismemberment of an African state.⁸⁰ The boundaries created by Europeans had been preserved intact by African states and their international patrons⁸¹ at all costs.⁸² Africa's "ramshackle regimes,"⁸³ as Robert Jackson calls them, have been able to survive for so long primarily because they had juridical,⁸⁴ though

78. Robert Jackson, *Juridical Statehood in Sub-Saharan Africa*, 46 J. INT'L AFF. 1 (1992) (footnotes omitted).

79. Most of the states which collapsed during the Cold War were reconstructed, if only to become marginally functional, and present a facade of sovereignty. In addition to Zaire, Ghana, and Uganda, Chad is perhaps the best example. According to Jackson:

Within sub-Saharan Africa, numerous marginal states have been created that survive primarily by juridical statehood and possess very limited substance or credibility. Chad is the paradigmatic case: It is virtually devoid of political or socioeconomic concreteness, and it has survived almost entirely by external recognition and support, mainly from France.

Id. at 8-9.

80. See Victor T. Le Vine, *Africa's Problems Aren't All the Colonists' Fault*, HOUST. CHRON., Dec. 5, 1994, at 19; Jonathan Power, *Violence Doesn't Always Have to Rule*, CALGARY HERALD, May 1, 1993, at A4; Keith B. Richburg, *Fall of African Dictatorships Fuels Separatist Feeling*, WASH. POST, Mar. 25, 1992, at A1.

81. For example, when the Zairian state was threatened with dismemberment by the Shaba rebellions of 1977 and 1978, Mobutu Sese Seko's regime was saved by the military intervention of France and Belgium with U.S. logistical support. See Weiss, *supra* note 57, at 167.

82. See Jeffrey Herbst, *Challenges to Africa's Boundaries in the New World Order*, 46 J. INT'L AFF. 17, 18-21 (1992).

83. Robert Jackson uses the term to describe regimes "whose writ often does not extend throughout the country; where it does, it is observed irregularly." Jackson, *supra* note 57, at 1.

84. Put simply, juridical statehood refers to political independence, a condition that may have nothing to do with the ability of a state to discharge the functions of statehood. Applied to Africa, it means that decolonization gave international status and legitimacy to colonial entities without regard to their internal legitimacy. Robert Jackson notes that juridical statehood has little to do with "national

not empirical,⁸⁵ statehood. In sum, international legitimacy made up for internal illegitimacy.

During the cold war, African states were kept afloat by patronage from either the East or the West. As the case studies in *Collapsed States* indicate, none of the states discussed could have survived without external economic and military support. Highly despotic, alienated, and hopelessly divided along ethnic, regional, class, and religious lines—and devoid of a national identity—many states failed or teetered on the brink of collapse. Unable to provide conditions for economic prosperity, post-colonial states lost whatever “pre-legitimacy”⁸⁶ they may have carried over from the struggle for decolonization. More than any particular problems in certain states—which in any case are manifestations of the basic inviability of the post-colonial state—trends emerge in the examination of Africa’s multiple crises. While *Collapsed States* does a great job of describing what those crises are, and how they have come about, it is remiss in its diagnostic function. Seduced by the need to maintain the international state system, and in particular its African variant, many of the authors

identity, political capability, military power, national wealth, bureaucratic efficiency, an educated citizenry, historical precedent or any other empirical criterion. It is a question solely of the categorical right of a colonial dependency to statehood.” *Id.* at 5. While I emphatically reject the notion that the lack of these empirical attributes justifies colonialism, which I regard as immoral and illegal from its conception, I question what right the West had in formulating self-determination as a right only exercisable by colonial states and not the pre-colonial states and communities subject to the colonial states. International law only allowed the decolonization of the colonial state as a unit. The exercise of that right by different pre-colonial entities and peoples was not contemplated. This logic ratified colonial borders and the states bounded thereby, and legitimized the denial of sovereignty to pre-colonial, independent African states and communities. In effect, it extended the principle of *uti possidetis juris*, the Latin American linkage between self-determination and the colonial states [administrative units] of the Spanish Empire, to Africa. See IAN BROWNLIE, *PRINCIPLES OF PUBLIC INTERNATIONAL LAW* 137-38 (3d ed. 1979).

85. Ali Mazrui has listed the six characteristics of the empirical statehood as: sovereign control over territory; sovereign control and oversight of the territory’s resources; effective and rational extraction of revenue from citizens, goods, and services; the construction and maintenance of an adequate national infrastructure; ability to provide basic services; and the capacity to maintain law and order. See Mazrui, *supra* note 58, at 4.

86. Ferrero defined pre-legitimacy as the stage and process through which an initial government seeks to establish its legitimacy internally. See generally GIGLIERMO FERRERO, *PRINCIPLES OF POWER: THE GREAT POLITICAL CRISES OF HISTORY* (Theodore R. Jaekel trans., 1942); see also Schutz, *supra* note 30, at 110.

retreat from asking the hard questions about African statehood, I suspect, because the scenarios conjured are very disturbing. For example, what next if they argue that the post-colonial state is simply invalid, incapable of redemption or salvation? Does that mean the crusades for democratization, human rights, and the obligations and connections between African states and international organizations, including international finance, do not make sense? But these are not the questions posed by the authors. Instead, they seek to clarify, streamline, and justify the norms, processes, and institutions that must be created or employed to preserve the post-colonial state by putting it back together where it has collapsed or saving it from certain collapse where it has not.

III. DECONSTRUCTING THE RECONSTRUCTION PROJECT

In the section on the reconstruction of collapsed states or the prevention of such an eventuality, *Collapsed States* offers four thoughtful essays on humanitarian responses⁸⁷ through the United Nations, the generalized problem of foreign intervention,⁸⁸ democratization,⁸⁹ and the role of the personal dictator or "strongman."⁹⁰ At the end of the book, Zartman ties all these themes together and attempts to give them coherence.⁹¹ These contributions are premised on four basic assumptions: 1) the collapse of the African state can either be avoided or, once collapsed, can put back together; 2) the preservation of the post-colonial state is a good thing; 3) the international community—particularly the industrial democracies of the West that control the United Nations and the global economy—has the interest and ability to play a key role in the reconstruction of the state; and 4) it would be a good thing for them to do so. The obvious expectation here is that Africans will accept this agenda and cooperate in their own "salvation."

87. Francis M. Deng, *State Collapse: The Humanitarian Challenge to the United Nations*, in COLLAPSED STATES, *supra* note 9, at 207.

88. Ibrahim A. Gambari, *The Role of Foreign Intervention in African Reconstruction*, in COLLAPSED STATES, *supra* note 9, at 221.

89. Marina Ottaway, *Democratization in Collapsed States*, in COLLAPSED STATES, *supra* note 9, at 235.

90. Njuguna Ng'ethe, *Strongmen, State Formation, Collapse, and Reconstruction in Africa*, in COLLAPSED STATES, *supra* note 9, at 251.

91. See generally Zartman, *Putting Things Back Together*, *supra* note 11.

The collapse of a state, as Francis Deng correctly notes, "is associated with humanitarian tragedies resulting from armed conflict, communal violence, and gross violations of human rights."⁹² In the last several years, these problems have engulfed several African states as well as the former Yugoslavia and Haiti. For people in such countries, life becomes a living hell as massacres and genocidal killings become commonplace. Power-mongers and narrow-minded chauvinists take over and anarchy reigns supreme. In a number of cases, the authors of the killings become its victims as violence spirals and devours up the center.⁹³ As this orgy continues, the international press spotlights it and brings the crisis to the living rooms of prosperous homes in the West. Public policy is overwhelmed as non-governmental relief and human rights organizations mobilize public opinion and humanitarian intervention becomes inevitable. This was particularly the case with Rwanda in 1994. But the international community, however that is defined, has not developed a coherent formula for response, short of providing temporary relief from hunger, conflict, shelter, and disease. There are no institutional mechanisms to identify the root causes of the crisis in order to address them permanently instead of merely offering stop-gap measures.⁹⁴

Deng argues that if humanitarian interventions are warranted, their purposes should be clearly defined at the outset.⁹⁵ He proposes a three-pronged strategy of "arresting the immediate crisis, appraising the situation with reference to the

92. Deng, *supra* note 87, at 207.

93. In 1994, in Rwanda, the officials of the Hutu-controlled state killed hundreds of thousands of Tutsis following the death in a mysterious plane crash of President Juvenal Habyarimana. See Mutua, *supra* note 7, at A13. The Hutus lost control of the state as the Tutsi-dominated RPF stepped up its assault on the central power of Rwanda and took it over. *Id.*

94. Francis Deng puts this knee-jerk response in exact terms:

When the breakdown of civil society or the outbreak of unmanageable civil violence necessitates a humanitarian intervention from the international community, [i.e., the West], a further crisis situation arises with respect to the precise objectives and conduct of the operations involved. *Usually, the immediate purpose of delivering urgently needed relief supplies becomes compelling and overwhelming. Little attention is paid to the conditions leading to the crisis or the longer-term perspective of reconstruction and normalization of a self-sustaining order; in other words, putting the collapsed state back together.*

Deng, *supra* note 87, at 207 (emphasis added).

95. *Id.*

root causes, and designing a plan of action for the reconstruction of the society and the state."⁹⁶ Although Deng argues that interventions should have "global legitimacy,"⁹⁷ he pleads for Western leadership which he sees as indispensable.⁹⁸ But he is right when he asserts that inaction by the international community is indefensible where a state becomes incapable or unwilling to act responsibly towards its citizens. The questions then are who intervenes, in what manner, and for which purposes? Deng favors the development of norms and processes for detecting crises before they explode. But he then proposes a three-tiered process of repair where the society/state has collapsed: 1) understanding how the past explains the present; 2) designing a response in view of those findings; and 3) implementing the plan of recovery. Although this prescription sounds open-ended, Deng calls for a "strategy for restoring the collapsed state [], one that entails keeping basic order in the aftermath of a pacification campaign"⁹⁹ so as to reconstruct "a functioning and self-regenerating system of legitimacy and authority."¹⁰⁰ He does not say why the new state would function better where the last one failed or why and whether the international community has the capability or should be expected to create more legitimate regimes. If the experiences of Somalia, Liberia, and Rwanda provide any historical lessons, they are that the international community—the

96. *Id.* at 208.

97. *Id.* at 210-11.

98. *Id.* I am at a loss to explain why Deng puts so much faith in the ability of the industrial democracies of the West to promote human rights in the South, an assumption that is at odds with history. He writes, for example, that "[i]ndustrial democracies cannot operate without defending standards of human rights and political procedures that are being egregiously violated." *Id.* at 210-11. First of all, the use of human rights as an instrument of foreign policy by Western countries is a very recent development, and it is a tool that has been used selectively and inconsistently. During the Cold War, the West supported some of the most brutal and murderous regimes. These included virtually all the repressive military regimes in Central and South America and notoriously violent and abusive regimes in South Africa, Iran under the Shah, Zaire, South Korea, and Ethiopia under Haile Selassie. More recently, trade trumped human rights when the Clinton administration decided to delink human rights and trade in connection with China's Most Favored Nation status. See *China's Gradual Route to Reform*, ST. LOUIS POST-DISPATCH, June 19, 1995, at 6B; Douglas Jehl, *U.S. is to Maintain Trade Privileges for China's Goods*, N.Y. TIMES, May 27, 1994, at A6. More often than not, human rights is a weapon, not a principle of foreign policy.

99. Deng, *supra* note 87, at 215.

100. *Id.*

rich North in this case—does not have the interest, patience, knowledge, or resources to address basic problems of state legitimacy.¹⁰¹ It may be too much to ask of the international community beyond its typical anti-catastrophe responses.¹⁰²

Nowhere have the difficulties of “humanitarian” intervention been more evident than in Somalia. Neither the United States nor the United Nations could decide where humanitarian responses ended and state reconstruction started nor did they appear to understand Somali society. Anxious to quickly recreate the state, the United States tried, at first, to reconcile all the major factions in Mogadishu in order to reunite the city.¹⁰³ Later, however, the United Nations and the United States attempted to isolate General Mohammed Farrah ‘Aidid, one of Somalia’s key leaders, and to support other factions.¹⁰⁴ This decision highly polarized the situation, leading to a state

101. After all, state collapse in Africa is directly related to the end of the Cold War, the diminished geopolitical significance of the region, and the withdrawal of economic, political, and military support by Western countries as well as the collapse of the Soviet bloc. State collapse is primarily a result of lack of a strategic interest, as seen by the West, in its client states in Africa.

102. The Somali crisis, and international efforts to put the state back together, proved the fragility of the commitment by the West to restore collapsed states in Africa. Operation Restore Hope, launched in December 1992 by then-U.S. President George Bush as a “mission of mercy,” appeared designed to secure relief supply lines in order to enable international agencies to respond to the famine. See Hussein M. Adam, *Somalia: A Terrible Beauty Being Born*, in *COLLAPSED STATES*, *supra* note 10, at 84-87. But the mission quickly turned into a policing and political reconstruction program, leading some Somali factions, particularly that of General Mohammed Farrah Aidid, to treat the U.S. force as just another party to the conflict. *Id.* In August 1993, a clash between General Aidid’s faction and U.S. forces left eighteen American elite soldiers and many more Somalis dead. *Id.* Some of the dead Americans were subjected to humiliating treatment in the streets of Mogadishu. That incident raised a public uproar in the United States and caused the Clinton administration to rethink the American role not only specifically in Somalia, but also generally with respect to other internal conflicts abroad and peace-keeping/making operations. *Id.* The incident eventually influenced the withdrawal of U.S. troops, leaving Somalia much like the United States had found it—without a state. See generally *id.* The lessons of the Somali experience may explain American inaction in Rwanda. See Joyce Price, *Why Rwanda was Ignored*, WASH. TIMES, July 31, 1994, at A4. The United States refrained from intervening in that conflict until the RPF emerged victorious. When U.S. troops entered the region, it was with the specific mandate of airlifting supplies to refugee camps in Zaire where over one million Hutus had fled. See Craig Nelson, *Rwanda: US Keen to Prove its Concern Over Refugees’ Plight*, INDEPENDENT (London), Aug. 1, 1994, at 9.

103. Adam, *supra* note 102, at 84.

104. *Id.* at 85.

of war between Aidid's faction and the intervention forces.¹⁰⁵ In March 1995, with the operation bogged down, international fatigue set in, and the U.N. forces abandoned Somalia to its own fate.¹⁰⁶ The operation, which lasted 15 months and involved 30,000 U.N. troops and cost approximately \$1 billion, was declared a failure.¹⁰⁷

The intervention in the Liberian crisis by the Economic Community of West African States (ECOWAS) through its force, the Economic Community of West African States Monitoring Group (ECOMOG), has run into similar problems. Charles Taylor, the major factional leader whose National Patriotic Front of Liberia (NPFL) controls over three-quarters of Liberia, has battled with ECOMOG to a standstill as he seeks supreme control of the country.¹⁰⁸ The United Nations role in Liberia has been much more circumscribed, preferring instead to support efforts by ECOWAS to find a peaceful settlement.¹⁰⁹ Martin Lowenkopf suggests that the international community must occupy Liberia since the Liberian factions are incapable of putting aside their differences to reconstruct society and the state.¹¹⁰ In a bold passage, Lowenkopf infantilizes

105. *Id.* at 84-87.

106. After the withdrawal of U.N. and U.S. troops from Somalia in March 1995, Secretary of Defense William Perry was reported as having said that "American goals in Somalia could not sustain the large loss of Somali lives that American military strikes were causing, much less the American casualties the Somalis had caused." Jim Hoagland, *Wars Old and New Caution Against Alliances in the Balkans*, SACRAMENTO BEE, May 8, 1995, at B7.

107. See Michael Begg, *UN Withdrawal From Somalia*, IRISH TIMES, Mar. 15, 1995, at 15. To underline the failure of the U.N. effort, U.N. troops were being fired on even as they withdrew under the protection of heavily armed U.S. Marines. See CHARLESTON DAILY MAIL, Mar. 17, 1995, at P. The failure of the effort was partially attributed to the centralization of power by the United Nations in Mogadishu, its strengthening of the warlords, and its inability to work with village elders and Somali NGOs. Begg, *supra*.

108. See generally Lowenkopf, *supra* note 51.

109. *Id.* at 98.

110. In advancing the case for United Nations intervention, Lowenkopf argues that:

For, in spite of its alleged partiality during the conflict, and scapegoating in Somalia, the United Nations is the only international organization with the capabilities of pressing a political agenda once peace has been established. Will it be a Somali-type arrangement, where outsiders decide how long to stay (or, rather, one that reflects the lessons of Somalia's difficulties)? Or will it be a more limited, Angola-type (and demonstrably insufficient) UN overseeing of the peace process?

Id. at 106 (citations omitted). He notes that ECOWAS should play a minor role in

Liberians and suggests recolonization through a renewed United Nations-World Bank-United States trusteeship system:

A more appropriate way to delink Liberia's difficult transition from partisan politics would be to establish, alongside Cotonou's Ruling Council, an advisory council directed by a representative of the UN Secretary-General and consisting of representatives of UN agencies, the IMF and IBRD, ECOWAS, and the United States (which still has the longest experience in Liberia, and should remain the principal aid donor), and a number of Liberian 'unofficials' (from churches, educational, voluntary and professional organizations, and chiefs) as advisors. It would share with the Liberian transitional government control of the financial resources and security forces, through international donors, voluntary agencies, ECOWAS military personnel, and what hopefully will come to be a large array of Liberian and international technical advisors, and to arbitrate the demands of the several factions comprising the transitional government.¹¹¹

In his prognosis for the future of Somalia, Hussein Adam, who is an African, does not call for Western tutelage. Instead, he sees a gradual process of reconstruction in which "traditional consociational structures and mechanisms"¹¹² assert themselves over the "warlords" and re-establish civil society. In this scenario, the role of the United States, the United Nations, and international agencies is very important though supplementary.¹¹³ Ibrahim Gambari, another African, is more tortured by the specter of intervention although he admits its necessity in cases of extreme suffering.¹¹⁴ He is particularly wary of unilateral, non-African interventions which he sees as self-interested.¹¹⁵ He argues that only multilateral interven-

this process because it is not partial, according to Taylor. *Id.*

111. *Id.* at 108.

112. See Adam, *supra* note 102, at 87.

113. *Id.* at 86-89.

114. See generally Gambari, *supra* note 88. Gambari, an academic, is Nigeria's Permanent Representative to the Nigerian mission at the United Nations in New York. Two factors make his views interesting: the Nigerian state which he represents is Africa's most populous nation; it also has for decades been under a brutal military dictatorship. The heads of state under whom Gambari served, General Ibrahim Babangida and his successor Sani Abacha, have clamped down on reformers and brought the country to the brink of collapse.

115. He argues that interventions by foreign countries in Africa "have had little or no interest in the preservation of the state structure as such. Their concerns

tions "have greater relative merits" because of their "relative impartiality" and capacity to "diffuse the specific interests that the foreign powers are seeking to project or protect."¹¹⁶ He concludes that although such interventions "play a strong role in putting together collapsed or collapsing states," state reconstruction is primarily a domestic task.¹¹⁷ It "goes beyond the imposition of a foreign-inspired 'solution'; rather it involves a complex process of political, social, and economic engineering that must affect positively the internal dynamics of powers of resource distribution."¹¹⁸

The discussion on the role of foreign or international intervention to restore or arrest state collapse indicates the lack of clear and acceptable norms, processes, and institutions for carrying out the task. It also shows the uncertainty about the extent and role of foreign intervention given the failed examples in Somalia and Liberia. Lowenkopf, its strongest proponent, does not make a convincing argument for why the West should or could expend resources to put states like Liberia back together. Fearful that state collapse may cause untold suffering, Mazrui has argued that self-colonization through an African Security Council—composed of South Africa, Ethiopia, Zaire, Nigeria, and Egypt—may be the only option left.¹¹⁹ He assumes, of course, that those countries, all of which are at risk of collapse themselves, would stabilize soon. Inexplicably, some writers have even called for the direct recolonization of Africa by Europe.¹²⁰ By failing to treat the collapse of the state as a post-colonial African phenomenon, these positions inherently see such collapses in a negative light. Therefore, their solutions are, not surprisingly, reconstituting the failed state.

The last two substantial chapters in the book, by Marina

have almost always been the political complexion of those in control of the state." *Id.* at 232.

116. *Id.*

117. *Id.* at 233.

118. *Id.*

119. Ali A. Mazrui, *The Message of Rwanda: Recolonize Africa?*, NEW PERSP. Q., Sept. 22, 1994, at 18.

120. See William Pfaff, *A New Colonialism?: Europe Must Go Back into Africa*, 74 FOREIGN AFF. 2 (1995). Pfaff argues that Europe decolonized Africa too quickly before it was ready for self-rule and he proposes that recolonization would do the trick. *Id.*

Ottaway and Njuguna Ng'ethe, address reconstitution of the state primarily from within, albeit with international assistance.¹²¹ Ottaway's democratization panacea is perhaps the most attractive, offering the possibility of saving the post-colonial state from the twin evils of collapse and despotism. It also comes at the tail end of a wave of hope in Africa during which despotic regimes have been moderated or have given way to reformers employing the language of individual rights and democracy.¹²² But she misidentifies the root of state collapse by locating its "ultimate cause in the mismanagement, pillage of resources, and abuses by authoritarian regimes that left the majority of the population without a stake in the existing system."¹²³ She fails to situate it in the failure of state formation and ultimately in the inchoate nature of the colonial state. Nevertheless, by examining the recent histories of Somalia, South Africa, Sudan, and Ethiopia, she pinpoints pitfalls for democracy. She shows that a transition to democracy must be preceded by the fragmentation of the elite and the acceptance by all the fragments of the rules of political competition. As she puts it:

A country's political elite can break up into groups competing in the same political arena. In other words, the elite fragments, but the political arena does not. This leads to pluralism and democracy: different segments of the elite form political parties that vie with each other for the support of the same pool of voters. The parties that lose an election will have another chance at a later date, because voters can choose any party and change their preference. This pluralistic fragmentation does not lead to the collapse of the state.¹²⁴

When elites fragment, as they did in Somalia, but refuse to compete politically because each wants to impose its will by

121. See Ottaway, *supra* note 89; Ng'ethe, *supra* note 90.

122. The so-called pro-democracy movement in Africa coincided with, and to a large extent was connected with, the end of the cold war. See Makau wa Mutua, *Africa Renaissance*, N.Y. TIMES, May 11, 1991, (op-ed), at 23 (discussing the furious wave of democratic reform that started to sweep across Africa in 1989).

123. Ottaway, *supra* note 89, at 235. She is right, however, when she notes that "the development of more democratic political institutions that give a much larger segment of the population a stake in the system" could avoid "state collapse." *Id.*

124. *Id.* at 236.

force on others, then the state collapses.¹²⁵ In South Africa, where hope for a democratic transition is still alive, Ottaway sees the danger of elites who may not want to compete as evidenced by the conduct of Afrikaner extremists or Kwazulu under its leader Mangosuthu Buthelezi.¹²⁶ Similarly, the Tigrayan-led government in Ethiopia is reluctant to compete and has "proceeded to divide Ethiopia into strangely shaped ethnic regions, the equivalent of the South Africa homelands."¹²⁷ In other cases, the fusion of religion, civil society, ethnicity, and the state serve to torpedo democratic initiatives, as was the case in the Sudan.¹²⁸

Ottaway is wrong, however, when she promotes the idea that ethnic identity, which has been a strong factor in the failure of several states, is largely a product of white domination over the continent.¹²⁹ While it is true that colonial or racist policies manipulated ethnicity under the divide-and-rule strategy, and even created or enhanced certain nationalisms, it is simply not true that pre-colonial ethnic identities never existed or that they have not survived. On the contrary, many African nations have maintained their identities, albeit in variegated forms. Ottaway makes a big mistake when she asserts that "[a]s many studies have shown, in Africa the emotional allegiance of most people is not directed originally to the group that politicians choose to define as the nation, or the tribe."¹³⁰ I could not disagree more. Ethnic groups or nations, which predate the despotic colonial and post-colonial states, have remained the basic identities that most Africans carry, even in urban areas. There is little mystery here because the state would have had to be more benign, which it has not been, to dilute pre-colonial identities. Among other factors, ethnicity makes democratization difficult because of the failure of the

125. *Id.* at 237.

126. *Id.*

127. *Id.* at 238. She notes that the Tigrayan People's Liberation Front (TPLF), the ethnic party that controls the state, has "tried to combine recognition of ethnicity in politics with the determination to maintain firm control over the reigns of power. This control was threatened by the independent ethnic movements. The TPLF thus attempted to organize [has, in fact, organized] new ethnic movements in each region, in opposition to the pre-existing ones." *Id.*

128. *Id.* at 240.

129. *Id.* at 240-42.

130. *Id.* at 243 (footnote omitted).

state to create a "national" elite that will not necessarily fragment along ethnic lines or, even if it does, retains a "national interest." Democratization, as a vehicle for avoiding state collapse, is at best a long shot because available evidence strongly suggests that the post-colonial state may be undemocratizable.

Ng'ethe's prescription of using the strongman to reconstruct society, though practical, is not appealing. As he himself admits, "strongmen have been as much a contribution to the collapse, or the near collapse of the state as the other factors."¹³¹ The examples offered—Zaire under Mobutu, Ghana under Rawlings, Chad under Habre, and Uganda under Museveni—may collapse again precisely because of the strongman syndrome. By his nature, the strongman either cripples civil society or prevents its emergence, vanquishes good alternate leadership, and disarticulates the elite by manipulating the society's most explosive cleavages. When he leaves, for example, by dying unexpectedly in office, a leadership vacuum may ensue. Ng'ethe recognizes this problem,¹³² but unless the leader anoints an acceptable successor, chances of the state holding together are slim. At any rate, a strongman by definition is despotic and anti-democratic and merely postpones the collapse of the state. The reconstruction which he undertakes is therefore false unless it is followed by stability and democratization.

IV. CONCLUSION: THE NEED TO UNSCRAMBLE AFRICA

In the concluding chapter, Zartman pleads for the collapsed state to be put back together through the reconstitution of power structures from the bottom up, the restoration of legitimacy through popular participation, the restoration of the state's ability to extract and allocate resources, and the provision of external assistance by wealthier nations and international institutions.¹³³ Continuing his central thesis that collapsed states must be reconstructed because without regard to the nature of the post-colonial state, Zartman argues that:

Both cause and remedy [of state collapse] relate to sociopolitical structures within a given sovereign territory and people,

131. Ng'ethe, *supra* note 90, at 257.

132. *Id.* at 262-63.

133. See generally Zartman, *Putting Things Back Together*, *supra* note 11.

not to the shape of the state itself. It is better to reaffirm the validity of the existing unit and make it work, using it as a framework for adequate attention to the concerns of its citizens and the responsibilities of sovereignty, rather than experimenting with smaller units, possibly more homogeneous but less broadly based and less stable.¹³⁴

This determination to preserve European Africa¹³⁵ flies in the face of reality. If the argument had been made four decades ago when the post-colonial state was being born, perhaps it would have made sense. What baffles me is why Zartman insists on reviving the post-colonial state today when every index shows that the state has not only failed to perform the functions of statehood, it has itself collapsed in a number of cases. It is the equivalent of keeping a clinically dead person on a respirator. Why is it so difficult to imagine Africa without the current number of states but possibly with more or even fewer reconfigured entities? Even though evidence shows, as in the case of Rwanda and Somalia, that the post-colonial state is both suicidal and genocidal, is it better to revitalize it knowing that in all probability it will spin out of control again?

The contrived nature of the post-colonial state is at the center of its crisis. At independence, sovereignty should have been returned to the pre-colonial states and communities from which it was taken in the first place. The right to self-determination should not have been exercised by the colonial state. The unnatural entity, which never deserved, nor received, the loyalty of Africans, must be unscrambled peacefully otherwise different nations will violently free themselves from the wreckage of the state at great human cost. Once the smaller, disassembled units are free of the strictures of the post-colonial state, a movement for consensual political unification may very well emerge through which larger, more economically viable units are formed. As Mazrui has argued, the "decolonization" of colonial boundaries is inevitable:

Over the next century the outlines of most of present-day African states will change in one of two main ways. One will be ethnic self-determination, which will create smaller states,

134. *Id.* at 268.

135. By the term, I mean the political map of Africa with its imposed states that Europeans forced on the continent in the last century.

comparable to the separation of Eritrea from Ethiopia. The other will be regional integration, towards larger political communities and economic unions.¹³⁶

By arguing for the preservation of the post-colonial state, *Collapsed States* seems to go against current data and what appears to be the inevitability of history. Perhaps more scholars will devote time to developing formulae for a more peaceful process of disaggregating the colonial state.

136. Ali A. Mazrui, *The Bondage of Boundaries: Why Africa's Maps Will Be Redrawn*, *ECONOMIST*, Sept. 11, 1993, at 28.