

State Failure and Rebel Governance in Africa

By Hisham Aidi

Summary

Since 2013, armed conflict has raged in the Central African Republic, between the largely Muslim Seleka rebels and the predominantly Christian militias (known as the anti-Balaka). Rebel groups are controlling broad swathes of the country, exploiting mineral wealth, and levying taxes on cattle migration. Non-state actors such as the Popular Front for the Governance of the Central African Republic (FPRC), which claims to “govern” the country’s northeast, have severely tested the authority of the government in Bangui. Reporters have taken to referring to the Western-backed government in Bangui as a “failed” or even “phantom state” – and speak of CAF’s sundry “mini-states.” Is CAF a “failed state” as Western observers claim? What type of governance do rebel groups provide? What happens when a rebellion or civil war shatters a country’s socio-political order? This lecture will interrogate the concept of “state failure,” tracing its roots in Western political theory, examining its policy application over the past 15 years, and recent contestations of the concept by scholars of Africa.

European Roots

Unlike Karl Marx who saw the state as an instrument of the ruling class – the “executive committee of the bourgeoisie” – and the liberal philosophers who viewed the state as an arena where domestic interests compete, the German theorist Max Weber understood the state as a “continuous organization” with a monopoly over the legitimate use of violence within a given territory. In Weber’s influential definition, a state must have a permanent administration, a military establishment

that maintains order, and a bureaucratic apparatus that collects taxes to finance the administration and military. Weber’s conception of the state grew out of the specific context of 16th century Europe, the protracted wars between myriad political actors (which Thomas Hobbes’ would term the “state of nature”); the struggle between monarchs, nobles and princes, amidst a crumbling feudal order and a persistent Holy Roman Empire. The state’s triumph as a political unit, outcompeting kinship based autocracies, feudal polities, and the Church itself, was “acknowledged in the Peace of Westphalia (1648), which

is commonly cited as the origin of today's interstate system."¹ This bureaucratic apparatus would then be exported to the rest of the world through colonial conquest.

The imperial imposition of bureaucratic state structures on the developing world often meant the destruction and disruption of preexisting social and political structures. Yet as Lisa Anderson has argued, "the new arrangements often failed to take root effectively leaving many populations with neither authoritative local institutions nor robust Weberian-style states." At independence, the colonized territories (or mandates) would be granted "juridical recognition" by the United Nations and the Great Powers, even while they lacked "empirical sovereignty" and territorial control.² The frailty of these newly-independent states soon became evident, as Bangladesh split from (West) Pakistan, and the Biafran War almost splintered Nigeria. Cold War rivalries between the superpowers often prevented weak states from collapsing, but proxy wars and economic intervention also derailed local processes of state formation. During the Cold War, as one historian has noted, "the United States and the Soviet Union each, and in some cases, both propped up a number of weak states for geo-political reasons...With the disappearance of the Soviet Union, Moscow lost its capability and Washington its geo-political rationale for sustaining such regimes. Denied such support...these states disintegrated."³ As states like Zaire, Somalia, Afghanistan and Yugoslavia began to break up, Western analysts would begin to speak of "failed states," as a return to a Hobbesian "state of nature," a violent situation of "Warre, where every man is Enemy to every man."

The "failed state" state concept would thus emerge in the wake of the Cold War. Scholars point to the CIA State Failure Task Force's 1995 report which introduced state failure as "a new term of serious, political crisis exemplified by recent events in Somalia, Bosnia, Liberia and Afghanistan."⁴ The concept "failed state" would enter the public discourse after September 2001.

"Failed States"

There is no agreement on the definition of a "failed state." The Washington-based "Fund for Peace," for instance, maintains that if a state has lost control of its territory, and does not have a monopoly over the use of physical force – that qualifies as "state failure."⁵ Harvard scholar Robert Bates also speaks of a state's declining capacity to control its territory – but sees state failure more specifically as "the implosion of the state," where the bureaucratic apparatus becomes an "instrument of predation."⁶ In his study "States at Risk" (2006) Ulrich Schneckener has proposed a "stage model," as a way to operationalize "state failure," contending that state formation should include three ingredients (monopoly of violence, legitimacy, and the rule of law) with the former (monopoly on violence) a precondition for the emergence of legitimacy and rule of law. He has also has proposed four types of statehood: 1/ consolidated or consolidating states – where the basic functions of government are working; 2/ weak states -where the government has a monopoly over means of violence, but its legitimacy is strongly challenged and rule of law is uneven; and 3/ failing and 4/ failed and collapsed states, where the state cannot supply governance and sub-national groups (and sometimes external actors) are providing order.

Critics have underscored the top-down, selective nature of the "failed state" label, noting that it is often pinned on states that refuse to do Western bidding. Looking at the cases of Afghanistan, Liberia, Nigeria's Niger Delta, Sudan and Somalia, Morten Boas and Kathleen Jennings conclude that Western officials will apply the moniker "failed" to countries where "recession and informalization" of state functions threatens Western interests. Yet Western-backed countries where state capacity is declining are not branded "failed states" – their "informalization" is viewed as aiding investment and modernization.⁷

In addition to being nebulous and difficult to operationalize, the concept of "state failure" remain wedded to Max Weber's gendered, Eurocentric understanding of the state. The conventional definition is anchored in a historical European context, and cannot

1. Lisa Anderson, "Antiquated Before They Can Ossify: States that Fail Before They Form," *Journal of International Affairs* (Fall 2004)

2. Robert Jackson and Carl Rosberg, "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood," *World Politics* (October 1982)

3. James Dobbins et al, *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA. Rand Corporation,2003). p. xiv

4. Charles T. Call, "The Fallacy of the 'Failed State'" *Third World Quarterly* Vol. 29, No. 8, 2008, pp 1491-1507

5. "Fragile States Index 2019," The Fund for Peace (2019)

6. Robert Bates, "State Failure," *Annual Review of Political Science* Issue # 11 2008 pp. 1–12

7. Morten Boas and Kathleen M Jennings, "'Failed States' and 'State Failure': Threats or Opportunities?" *Globalizations* 4, pp. 475–485 (2007)

serve as an exclusive standard. As Joel Migdal has observed, “Actual states are deviations from the ideal or corrupted versions of the ideal.”⁸ A more instructive way of understanding the Central African Republic or Congolese state should be by focusing on the ongoing negotiations over power and authority between state and societal actors – the “contending coalitions that have cut across both” – state and society – “and blurred lines between them.” The role of ostensibly peripheral actors – like warlords and chieftains – is critical in this process. Warlords are generally viewed as competing with and challenging the weak state, since they possess what historian Charles Tilly has described as the three building blocks of state power - coercion, capital and connection; but these very assets can also be deployed on behalf of a national governance project. The very process of negotiation and contestation whereby peripheral actors – rebels, warlords, “mini-states” – are brought into accommodation is what constitutes state-building; it is that “reciprocal assimilation of elites” that drives the formation of the state.⁹

Rebel Governance

The Hobbesian notion of the “state of nature,” as scholars have noted, is a Eurocentric one. The absence of a state does not necessarily produce chaos, but rather, it reveals alternatives to state authority. When the state disintegrates – religious organizations, clans, “tribes” and various actors can supply governance; and even fragments of the state may continue to deliver public goods. The authors of the recently published study, “Negotiating Public Service in the Congo,” observe that the Democratic Republic of Congo is often termed a failed state, yet even in a conflict-ridden area like Kivu province – services are still provided the by local government, often through a “bottom-up financing” and informal taxing of citizens. As Titeca and Herdt write, “The DRC state continues to exist from the bottom-upwards, through local-level arrangements rather than engineered from above.”¹⁰ In short, state institutions in Africa may lack a monopoly on violence, chain of command enforcement and top-down capacity, but that does not mean people live in a state of incessant war. When the state is absent – think Somalia - people

have joined movements and organizations that provide security, services and even “sub-national conceptions of citizenship.” How to theorize this splintering of authority, this hybrid form of governance, where the central state is supplanted by localized arrangements that allow public services to be delivered. What exactly is “rebel governance” or “counter-state formation”?

Nelson Kasfir has stated that “rebel governance, at a minimum, means the organization of civilians within a rebel-held territory for a public purpose.”¹¹ Insurgent rule, in this perspective, tends to occur when the central government is predatory and suffering from an acute legitimacy crisis. And rebel governance is not an African phenomenon. In Latin America, during the Cold War, insurgent rule emerged in the wake of rebellions and civil wars. In Colombia, the FARC established rudimentary institutions of taxation, separate schools, courts, offering protection to cocoa growers, and even literacy classes to the indigenous population. The symbolic dimensions of rebel governance can be as critical as institutional mechanisms for the consolidation of a nation-state. As Zachariah Mampilly observes of South Sudan and Côte d’Ivoire, “symbolic processes reduce the need for a rebellion to use force to ensure compliance; in addition, they may increase civilian identification with the rebel government”¹² Along these lines, recent research on armed groups in eastern Democratic Republic of Congo concludes that the Mai-Mai rule not through direct imposition or territorial control, but by shaping people’s identity, subjectivities and self-conduct. The Mai Mai may have partial territorial control, but lacking the administrative instruments to govern will employ a form of “governmentality,” and techniques of rule that mix protection with patronage, spirituality with “stateness,” ethnicity and custom.¹³

“Disorder as Political Instrument”

11. Nelson Kasfir, ‘Rebel governance, constructing a field of enquiry: Definitions, scope, patterns, order, causes’, in Ana Arjona, Nelson Kasfir, and Zachariah Mampilly (eds), *Rebel Governance in Civil War* (Cambridge University Press, Cambridge, 2015), pp. 21–46

12. See Timothy Wickham-Crowley, “Del Gobierno de Abajo al Gobierno de Arriba ...and Back: Transitions to and from Rebel Governance in Latin America, 1956–1990” and Zachariah Mampilly, “Performing the Nation-State: Rebel Governance and Symbolic Processes,” Ana Arjona et al., (eds), *Rebel Governance in Civil War* (Cambridge University Press, Cambridge, 2015),

13. Kasper Hoffmann and Judith Verweijen, “Rebel Rule: A Governmentality Perspective,” *African Affairs* 118 (471), 352-374, 2018. 3, 2018.

8. Joel Migdal, *State in Society* (2011) p.14

9. Jean-Francois Bayart, *The State in Africa: the Politics of the Belly* (Polity 2009)

10. <https://theconversation.com/failed-state-how-the-drc-continues-to-deliver-public-services-122055>

State fragility and political violence resulting from state breakdown have been traced to colonial policies, in particular the “bifurcated states” and dual legal systems introduced by colonialists which “compartmentalized” societies and divided social groups into antagonistic “ethnicities” and “races” with differing rights.¹⁴ But state failure is also rooted in post-colonial authoritarianism. “Personalist” styles of rule where the state leadership deliberately fragments and disorganizes society and institutions, where “disorder is a political instrument,” can set the stage for a multi-sided civil war.¹⁵ Personalist rule – as seen in Zaire and Somalia during the Cold War, eventually spawned a conflict pitting various armed groups against each other, where the aim was not to build a counter-state in a “liberated zone,” but rather to control commercial and social networks.¹⁶

As Paul Collier and others have argued, in weak African states leaders fear that institution-building and the establishment of a strong military could threaten their political survival; rulers will prefer to rely on personalist networks to govern – that way depriving rivals of an alternative power-base. The African leaders’ fear of military coups is not unfounded. In sub-Saharan Africa, between 1956-2001, 42 out of 48 countries, experienced coups. Thirty countries (62.5%) experienced successful coups and eighteen (37.5 percent) experienced various successful coups.¹⁷ In this context, leaders come to see institutional development as risky and prefer to rely on patronage networks. Thus, after the Somali military attempted to overthrow Siad Barre in 1978, the president would abandon efforts to build a socialist-style state and began relying on patronage networks and personal ties. Similarly, in Sierra Leone, in the late 1970s, after an attempted coup, president Siaka Stevens would begin creating paramilitary groups, allowing allied politicians to protect diamond mining areas around the country. The privatization of violence had a deleterious effect on state-building and the provision of security as a public good for Sierra Leoneans, but it was a survival strategy for a ruler who had survived two coup d’etats (surviving the second only with the assistance of troops

from neighboring Guinea.) The central aim of personal rule is to prevent unity and coalition-building among the country’s political elite, by sowing a fractious politics and keeping elites dependent on the ruler’s largesse. As William Reno writes, “This system of governance through the manipulation of an alternate non-institutional realm of personal networks and tight control over people’s access to economic opportunities is terrible for the overall economy,” but it can maintain stability as long as the ruler has a tight grip over these patronage networks.

Africa in Comparative Perspective

“Failed state” is a moniker often pinned on African states, but as political authority has unraveled in Central Asia and the Middle East, the concept has been extended beyond the African continent. Analyses of rebel governance in other post-conflict zones can thus shed light on state weakness in Africa. For instance, Jennifer Murtazashvili’s book *Informal Order* about “customary governance” in post-conflict Afghanistan, troubles the familiar zero-sum juxtaposition of the modern state with customary governance, showing how customary and formal state actors can often cooperate in the provision of public goods. Customary governance, she writes, “can enhance public goods provision and may even improve political participation.”¹⁸ The distribution of authority in an Afghan village, where there is “a shared responsibility between three distinct informal organizations: village councils (shuras/jirgas), religious judicial authority (mullahs), and community representatives (maliks)” – is reminiscent of the political-religious authority of the Islamic Courts which controlled southern Somalia until 2006, where the authority was divided between the Supreme Council, regional Shura Councils, and local administrations.

In conclusion: the state as a political organization is facing numerous international and sub-national challenges. As Brazilian economist Bresser-Perreira has observed, “nation-states are now merely competitors in the political market-place.”¹⁹ The process of state

14. Mahmood Mamdani, “Beyond Settler and Native as Political Identities: Overcoming the Political Legacy of Colonialism,” *Comparative Studies in Society and History* (October 2001).

15. Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument* (Indiana University Press 1999)

16. William Reno, “Fictional States & Atomized Public Spheres: A Non-Western Approach to Fragility” *Daedalus* (October 2017)

17. Paul Collier, “Coup Traps: Why Does Africa Have So Many Coups D’Etat?” (Oxford University 2005)

18. Jennifer Brick Murtazashvili, *Informal Order and the State in Afghanistan* (Cambridge University Press 2016)

19. Bresser-Pereira, “After Balance-of-Powers Diplomacy, Globalization’s Politics,” in Eric Hershberg and Kevin W. Moore, eds. *Critical Views of September 11: Analyses from Around the World*. (New York: The New Press, 2002)

formation, as it unfolded in Europe – and as described by Max Weber and other European thinkers - may or not play out the same way in Africa. Different organizations and “trust networks” have emerged to provide security, social services, employment and even identity. But, as liberal philosophers have long argued, a state is not simply a provider of order and protection, it is also a guarantor of rights. And if states collapse, which political actor will step on to protect civil liberties and basic freedoms? This is a challenge facing policymakers trying to cultivate democracy and human rights in societies with fragile states.²⁰ Pushing for multi-party elections in a context of personalist rule and weak institutions, can prompt leaders to further privatize violence and sow divisions; this happened in 1992 in Kenya, when incumbent Daniel Arap Moi fearing the success of opposition candidates encouraged politicians to recruit local youth into gangs termed “tribal militias” and “cultural associations.” Similarly, in recent years, in the DRC, political hopefuls in Kinshasa hoping to unseat the president often find their political parties and campaigns infiltrated by militias and gangs called “jeunes sportifs.” Holding elections in such a context could accelerate institutional decline and spark violence.

20. Krasner, Stephen D., and Thomas Risse, eds. “External Actors, State-Building, and Service Provision in Areas of Limited Statehood,” *Governance: An International Journal of Policy, Administration, and Institutions* (October 2014) pp. 545–567

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In 2002–2003, Aidi was a consultant for UNDP's Human Development Report. From 2000 to 2003, he was part of Harvard University's *Encarta Africana* project, and worked as a cultural reporter, covering youth culture and immigration in Harlem and the Bronx, for *Africana*, *The New African* and *ColorLines*. More recently, his work has appeared in *The Atlantic*, *Foreign Affairs*, *The New Yorker* and *Salon*. Since 2007, he has been a contributing editor of *Souls: A Critical Journal of Black Culture, Politics and Society*. Aidi is the author most recently of *Rebel Music: Race, Empire and the New Muslim Youth Culture* (Pantheon, 2014), a study of American cultural diplomacy. Aidi teaches the SIPA MIA survey course *Conceptual Foundations of International Politics* and seminars in SIPA's summer program.

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