



Azerbaijan Diplomatic Academy

Why Has the Westphalia State Failed to Function Effectively in Africa?

**Ndey Haddy Jeng – Participant, Cultural Diplomacy in Africa – A Forum for
Young Leaders – Institute For Cultural Diplomacy (ICD)**

Berlin, 23rd – 28th July 2012

Acknowledgement

I express my sincere gratitude to my academic adviser, Dr. Kavus Abushov, Assistant Professor of Political Science at the Azerbaijan Diplomatic Academy for his valuable guidance and advice throughout the writing of this paper.

Abstract

The paper is focused on giving explanations for the failure of Westphalia state system to function effectively in Africa. In the first part I make an analysis of the pre-colonial political institutions with a close emphasis on their nature and structure and we realize that these institutions impact very much the functioning of post colonial states in Africa. In the second part, key concepts like sovereignty, legitimacy, self determination are examined and it is discussed that conceptual changes in civil regimes contribute to the weakness of these states. Beyond this, is the economical and institutional realm, under which it is shown how poor institutions of the state result to the inability to curb corruption, neo-patrimonialism and local-capture which all Challenges that affects the effective function of African states and the ability to provide public goods like education, health, security .e.t.c .

Introduction

There have been various definitions of the state and scholars have written extensively on what its characteristics and functions are. According to Max Weber, the state has “monopoly of the legitimate use of violence”¹ within a given “territory”; the state has also been characterized as the provider of public goods including security. Looking at it from these two angles then it seems like the most important characteristic of the state is that it must have a definite territory over which effective legitimate control is exercised; not only that but the state must also have and maintain the capacity to provide for the welfare of its public. The presence of these features is important if a state is to be termed functioning effectively. Scholars like Robert Jackson have clearly made distinctions between empirical and juridical states² with much focus on post colonial

¹ Extract from the works of Max Weber (1918) – Politics as a vocation

² Robert Jackson – Quasi-States, Dual Regimes, and Neoclassical Theory: International Jurisprudence and the Third World – He makes a clear analysis of states in Africa being quasi states that do not possess the empirical characteristics with which other states are recognized. This will be expanded on later in the paper.

African states. But before delving onto the nature, characteristics and functional effectiveness of the post colonial Westphalian states in Africa, we shall first explore pre-colonial political systems in the continent. What kinds of pre-colonial political communities existed? How centralized or decentralized³ were they? What was the level of functional effectiveness present at that time? Answering these questions will steer the discussion in this paper towards answering further questions like; how similar or different are pre-colonial institutions to/from the current Westphalian state system in Africa? How compatible is this system with African realities? And finally what are the reasons for its functional deficiencies in the continent.

Centralized/Decentralized Pre-colonial Political Institutions in Africa - Reviewing Their functional Effectiveness

The African continent had many different political institutions varying in size, quality and power. However to make our analysis simple and manageable we shall focus on Centralized and decentralized pre-colonial systems that existed. Gennaioli and Rainer (2005) highlighted that the centralized institutions in Africa were to be “found in large kingdoms such as the Swazi in southern Africa, the Yoruba city-states in southern Nigeria and the Ashanti confederation in Ghana.”⁴ On the other hand, most of western and Sub-Saharan Africa as well as “the Tonga of Zambia and the Alur of Eastern Africa” were fragmented societies lacking political integration.

Political integration also was in varying forms such as the creation of clans, chiefdoms, and kingdoms. Often authority is derived through kinship lines or the growth of boundaries (George B.N.Ayittey)⁵. However, In Centralized societies there had to be a basis of political legitimacy, for example, according to the author, the Golden stool was the “symbol of unifying strength in the Ashanti Kingdom.”⁶This degree of political unification was however not uniform to all societies. Ayittey contended in his book that because highly centralized governments and concentration of power breeds tyranny

³ see - Nicola Gennaioli and Ilia Rainer – Pre-colonial Centralization and Institutional Quality in Africa

⁴ Gennaioli & Rainer (2005) – Pre-colonial Centralization and Institutional Quality in Africa, According to the authors, both the Yoruba city states and the Ashanti were comparatively less centralized than the Swazi kingdom in Southern Africa.

⁵ see - George B.N Ayittey - Indigenous African Institutions - (©2006),

<http://library.ada.edu.az/search/?searchtype=X&SORT=D&searcharg=Indigenous+African+institutions+%2F+George+B.N.+Ayittey>

⁶ The Golden Stool is the symbol of legitimacy and the “soul of the Asante Kingdom”. Legend has it that the stool fell from the sky to the laps of the Osei-Tutu, the Asante King and signifies the authority of the king to rule.

most societies resisted centralization and were instead fragmented societies. He says, “So intense was the fear of tyranny that many African societies, such as the Igbo and Tiv of Nigeria elected not to have a state or centralized authority. They were stateless societies.”⁷

Whilst his stance in the book is that the fragmented Igbo societies encouraged individualist and egalitarianism which fostered a culture of competition and the development of a flexible democratic political system between the various lineages in a village, Ayittey seems to pay little attention to other empirically tested variables of centralization on the functional effectiveness of the political organization both in pre and post colonial societies. My argument here is that no matter how democratic these fragmented societies were it was merely at the lineage and family levels. The condition of states like Nigeria, Somalia and other fragmented societies is very much in support of Gennaioli and Rainer’s argument that fragmented societies were less functionally effective in the provision of public goods, political participation and representation and this was later translated into their succeeding post colonial Westphalian states. On the other hand, the centralized societies which were politically organized and stratified enabled the provision of public goods like security, a stable but competitive political environment and the accountability of chiefs to the higher authorities.⁸ In short Buganda kingdom, Tswana of Botswana, Swazi of Swaziland and Sotho of Lesotho fall under this category.⁹

The major distinction that needs to be made in this section of pre-colonial institutional analysis is that in fragmented groups the situation was tyrannical, where local elites were in conflict amongst themselves, there was a high rate of distortion of the provision of public goods and the society essentially lacked coordination. There was a high degree of “local capture” which is characterized by conflict of local elites and lack of coordination (Riker 1964).¹⁰ In the centralized societies, political organization and participation was intense. There were pressure groups and the local elites competed for local support because the size of one’s constituency was a symbol of one’s power and

⁷ see - George B.N Ayittey - Indigenous African Institutions - (©2006),

⁸ Ibid 4

⁹ According to the authors most of the centralized states were found in Southern African, which have relatively stable and effectively functioning states now than those found in the majority of sub-Saharan Africa which was more or less fragmented societies.

¹⁰ This is the argument of Riker (1964) which was cited by Gennaioli and Rainer in their article on Pre-colonial Centralization and Institutional Quality in Africa <http://www.crei.eu/people/gennaioli/precolonial.pdf>

ability to influence decision making. This situation resulted to local elites being increasingly held accountable to the local community. Consequently, during the colonial period these societies through interactions with the imperialist who used local chiefs or kings (British Direct Rule system) were better coordinated and thus making it easier to bring both development and public goods where necessary.

Pre-colonial political institutions in Africa were different in that some were centralized whilst others remain largely decentralized. The level of political organization and sophistication determined the functional effectiveness of these existing political institutions as some created very competitive and accountable systems where as others resulted to conflicts between elite, tyranny of the elites and lack of coordination which affected the delivery of public goods. How these systems differ and also influence on the effective functioning of the post colonial Westphalian will now be discussed in the next section.

The Post-colonial Westphalian State in Africa – Battling with Sovereignty, Legitimacy and Functional Ineffectiveness

The post colonial states in Africa started emerging after 1945. The Independent states were based on a changing concept of sovereignty and legitimacy and self-determination. All these three concepts have had an effect on statehood in Africa. Examining all these concepts in relation to their changing nature will shed more light on the effects they have on the effectiveness of the African state.

The international system is made up of civil regimes which are basically norms and principles which guides, regulates and constrains the behaviour of states. Sovereignty is one of the basic constituent principles of International civil regimes (Jackson, 1987). Jackson has explained in his article¹¹the reason for the functional ineffectiveness of African states - that because notions of civil regimes like colonialization and decolonization changed, African states were “given” juridical independent statehood without fullfilling or having the empirical character that states should have.

¹¹ Robert H. Jackson (1987), Quasi-states, dual regimes, and neoclassical theory: International jurisprudence and the Third World, <http://www.jstor.org/stable/2706757>

As mentioned earlier on, the primary function of a state is to provide public goods in the form of order, security, justice, welfare to its citizens, as scholars call it “the good life”. The state is expected to function effectively and encounter little problems in the provision of such “good life” if it attains all the empirical characters of a state. African states are what Jackson calls “courtesy states” supported by the “institutional framework of sovereignty”. It is thus explained that juridical statehood of African states could be explained through a constructive rationalist lens by looking at their level of state-building and the fact that these states are accepted and accommodated in the International system despite their functional ineffectiveness.

The change in the concepts of the principle of self-determination and legitimacy also explains the functional effectiveness of states in Africa. The changing notion of the illegitimacy of colonial rule and the right to self determination of the African people was a basis of the “mass” granting of Independence and statehood to Africans. One could only assume that the granting of the legitimate right to self rule was with all good intentions but its effects on the state in Africa has had far reaching consequences. I explain this by using the argument of K.J Holsti (1995) that the composition of states in Europe in the 18th and 19th centuries was largely “based on civic, historic or territorial communities not associational or natural communities based on consanguinity, language or religion).”¹² However with Woodrow Wilson, the concept of self determination changed to mean “Peoples” with the latter mentioned characteristics in common as having a legitimate right to self rule.

This is where the problem and challenges of African states emerge because according to Holsti, there is no such “peoples” in African because the entities that were granted statehood were based on territorial delineated borders drawn by the colonialist which cuts across multiple groups, cultures, and people of a common bond. The claims on statehood were based on anti-colonial, nationalist calls for sovereignty. The question of the legitimacy of these states is therefore contested from the inside by these multiple groups found in the state to which they share no common blood, culture, language, or religion and pose a threat to territoriality and legitimacy of the state all based on the principles of self-determination. This is explained by the many secessionist movements in Africa in the past decades.

¹² K.J.Holsti, War, peace and the State of the State, International political science review, (oct 1995)
<http://www.jstor.org/stable/1601353>

Jackson and Rosberg¹³ outlined how the Organization of African Union (OAU) upon independence of African states took steps to maintain the inherited borders of the colonial governments as the legitimate borders of the new sovereign states. In multi ethnic states such as those that exist in Africa, it is difficult to create a sense of “the people” based on a geography and territory for example, saying the ‘Ugandan people” when what is more important to these people is their ethnic identity such as Lango, Banyoro, Baganda, e.t.c. The authors have clearly outlined that “African states and governments face this problem in varying degrees ... they must base their internal legitimacy on some alternative to “the people”.¹⁴ The discord and failure of African states is thus explained by the fact that even where they struggle with internal legitimacy, the international community has upheld their international legitimacy thus giving these states the license to continue existing but not capable of maintaining an effective territorial control, institutionalized government or the provision of public goods as expected of states.

Similarly, as mentioned in the first part of this article, the degree to which pre-colonial institutions were centralized or decentralized also has some bearing on the functional effectiveness of modern states as these characteristic of structure and governance still exist. I shall only speak of the effects as I have already explained the structure of these societies in the first part of the essay.

The main issues that scholars have paid attention to in the discourse of structural problems of African states have been, neo-patrimonialism, local capture syndrome, corruption, the state being viewed as an amoral institution where one contributes little to its development but is prepared to take a lot from. This was an evident character of fragmented pre-colonial societies where local elites unleashed their tyranny on the locals because there was no strong institutionalization, no effective political structures or an accountable, checks and balance system. In most of the African states today neo-patrimonialism has rocked the governance structure such that the provision of public goods is hampered by state officials who serve certain interests, who try to capture funds and aids meant for development purposes. This situation is made worse because just like in fragmented pre-colonial societies, there is no one to stop them. “Van de

¹³ Robert H. Jackson and Carl G. Rosberg, Popular Legitimacy in Multi-Ethnic States, the Journal of Modern African Studies, (1984) <http://www.jstor.org/stable/160548>

¹⁴ Ibid

Walle have claimed that neo patrimonial practices are not just a characteristic of the African regimes, but rather “the corefeature of post-colonial politics in Africa” (1997: 3)¹⁵. The importance of these issues rest on the extent of their negative influence on the provision of public goods and welfare. It could be noted that these set of obstructions to effectiveness are predominantly absent or less in empirical states as they have reached the maximum level of democratization and are well “satiated”. Thus in the case of states in Africa it is apparent that owing to their level of state building, democratization, and development, the effectiveness of the state is explained by political, social, and economic discourses combined.

Conclusion

As we have found out in this paper that the problem of African states not functioning effectively is largely related first to the influence of pre-colonial political structures, on the basic concepts or norms of Sovereignty, Legitimacy, territoriality, self determination on which the state was formed as well as the structural weakness of corruption, neo-patrimonialism e.t.c It is also apparent that attempts by the International community to either protect the existence of the state or to revive the weak states could have negative effects on both the people and the state. What then is the way out for African states? “Fostering diverse political parties, strengthening constitutional and legal norms relating to good governance, building independent and effective judiciary, reconstitution a professional military and police service...”¹⁶(Brooks, 2005) are bound to fail like the transitional government in Somalia. Even Some scholars doubt that African countries will find “peaceful ways to strengthen the state and develop national identities” (Herbst, 1990)¹⁷. However, whether the post - colonial African state is strengthened through un-peaceful means “War” (survival of the strongest states), or by simply allowing more time to pass for these states to “mature”, as it took the western states hundreds of years to mature into such democratic, welfare states, there is a conviction that if these challenges are prudently faced up to then the future of African states could be brighter than it is today. These wise African words come into mind ***“It is not what you are called but what you answer to that matter”***.

¹⁵ As cited by Ana Huertas Francisco, Neo patrimonialism in contemporary African Politics, e-International Relations (2010) <http://www.e-ir.info/2010/01/24/to-what-extent-can-neopatrimonialism-be-considered-significant-in-contemporary-african-politics/>

¹⁶ Rosa Ehrenreich Brooks, Failed States, or the State as a Failure? The Univeristy of Chicago Law Review, (2005) <http://www.jstor.org/stable/4495527>

¹⁷ See Jeffrey Herbst, War and the State in Africa, International security, (1990) <http://www.jstor.org/stable/2538753>

Bibliography

- Robert H. Jackson and Carl G. Rosberg, **Popular Legitimacy in African Multi-Ethnic States**, (1984)
<http://www.jstor.org/stable/160548>
- Robert Jackson – **Quasi-States, Dual Regimes, and Neoclassical Theory: International Jurisprudence and the Third World**, <http://www.jstor.org/stable/2706757>.
- Donald W. Potter, **State Responsibility, Sovereignty, and Failed States**, (2004),
http://www.adelaide.edu.au/apsa/docs_papers/Others/potter.pdf
- Nicola Gennaioli and Ilia Rainer, **Pre-colonial Centralization and Institutional Quality in Africa** (2005)
<http://www.crei.eu/people/gennaioli/precolonial.pdf>
- Stephen D. Krasner, **Compromising Westphalia**, (1995-1996), <http://www.jstor.org/stable/2539141>
- George B.N. Ayittey, **Indigenous African institutions**, Brill 2006
<http://library.ada.edu.az/search/?searchtype=X&SORT=D&searcharg=Indigenous+African+institutions+%2F+George+B.N.+Ayittey>
- K.J. Holsti, **War, peace and the State of the State**, *International political science review*, (Oct 1995)
<http://www.jstor.org/stable/1601353>
- Rosa Ehrenreich Brooks, **Failed States, or the State as a Failure?** (2005)
<http://www.jstor.org/stable/4495527>
- Jeffrey Herbst, **War and the State in Africa**, *International security*, (1990)
<http://www.jstor.org/stable/2538753>
- Paul D. Williams, **State Failure in Africa: Causes, Consequences and Responses**,
<http://elliott.gwu.edu/assets/docs/research/williams07.pdf>
- Review by Craig Enstad of **State Legitimacy and Development in Africa** by Pierre Englebert, (2003),
<http://www.jstor.org/stable/3559337>