BEYOND THE STATE-CENTRIC LENS OF THE FRAGILE STATE DISCOURSE – THE CASE FOR HYBRID POLITICAL ORDERS IN SOMALILAND

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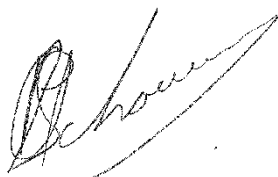**DEPARTMENT OF POLITICAL STUDIES AND GOVERNANCE**

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PLAGIARISM DECLARATION

I declare that the inclosed work, entitled *Beyond the state-centric approach – the case for hybrid political orders in Somaliland*, is my own work and I have acknowledged all my sources

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ABSTRACT

Since the collapse of communism in the late 1980s, a "third wave of democratisation" has swept across the globe, encouraging many developing countries (particularly in Africa) to embrace liberal democratic, free market principles. However, several states appeared unable to sustain democratic governments and economic growth during the 1990s. This resulted in the rise and prominence of the fragile state discourse, which characterised these states as soft, weak, failed, or collapsing in accordance with the degree to which they failed to meet the Weberian criteria for statehood. This Western, state-centric approach has further been reflected in the efforts of governments, non-governmental organisations, and donor agencies to promote peace and state-building as a remedy to state failure.

The study argues that the state-centric approach exemplified by Weber's definition of the state and embraced by fragile state discourse and Western state-building efforts has failed to provide an objective, counter-hegemonic, and emancipatory perspective on states labelled as weak, failed, or collapsed. Rather than that, the study focusses on Hybrid Political Orders as a complementary perspective that takes a post-Western approach more suited to comprehending the realities of fragile states while also acknowledging the role of traditional authorities in the hybrid state-building process. Current international relations theory, with a particular emphasis on statehood, the fragile state perspective, and state-building, is accused of being exclusive and catering to a small minority at the expense of most of the world's population. Rather than exaggerating the politics of public bodies, political science and international relations theory should place a greater emphasis on people or politics at the grassroots level. The study attempted to provide a post-Western revisionist and alternative perspective on current state-building practises by emphasising the role of Hybrid Political orders in Somaliland.

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LIST OF ABBREVIATIONS

ACPACS	Australian Centre for Peace and Conflict Studies
ASWJ	Sunnah wa Jarma'ah (Islamist extremist group in Mozambique)
AU	African Union
BREXIT	The withdrawal of the United Kingdom from the European Union
CIA	Central Intelligence Agency
CIFP	Country Indicators for Foreign Policy
CRISE	Centre for Research on Inequality, Human Security and Ethnicity
CSRC	London School of Economics Crisis State Research Centre
DAC	Development Assistance Committee
DDR	Disarmament, Demobilisation, and Reintegration
DFID	British Department for International Development (DFID)
DPW	Dubai Ports World
DRC	Democratic Republic of the Congo
EU	European Union
FSI	Failed State Index
HPO	Hybrid Political Orders
IBRD	International Bank for Reconstruction and Development
IMF	International Monetary Fund
IR	International Relations
IRA	Irish Republican Army
MINURCAT	UN Mission to the Central African Republic and Chad
NGO	Nongovernmental Organisation
NSS	United States National Security Strategy

OAU	Organisation of African Unity
OECD	Organisation for Economic Co-operation and Development
ONUMOZ	UN Operation in Mozambique
POLCA	Political and Civil Affairs Section
PWRD	Post-War Reconstruction and Development
SAP	Structural Adjustment Programme
SNM	Somali National Movement
UAE	United Arab Emirates
UCID	Justice and Welfare Party (Somaliland)
UDUB	United Democratic People's Party (Somaliland)
UN	United Nations
UNMIL	UN Peacekeeping operation in Liberia
USAID	United States Agency for International Development
USC	United Somali Congress
WB	World Bank
ZCC	Zionist Christian Church

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CHAPTER 1: INTRODUCTION

1.1   INTRODUCTION AND GENERAL ORIENTATION

The collapse of communism (which occurred concurrently with the Cold War's end) can be viewed as a paradigm shift in International Relations. With communism eliminated as the West's ideological rival, the emphasis shifted to promoting liberal democratic values in those states that were previously under the former Soviet Union's control, including those in the developing world that suffered at the hands of authoritarian regimes and failing governments. The 'third wave of democratisation' penned by the political scientist Samuel Huntington reflected on the shift towards liberal democracies as the governance choice in the 1990s. The emphasis further moved towards states in the developing world that adopted democratic principles in the post-colonial period but soon thereafter failed due to their inabilities to maintain those democracies. Especially in Africa, several states experienced political and economic turmoil after independence. For many, these struggles continued throughout the next decades despite receiving financial and military support from the superpowers.

This state of affairs encouraged a body of literature that became known as the failed state (later to be re-named fragile state) discourse. The fragile state discourse attempted to explain why states in the developing world specifically deteriorated from a condition of relative stability to a position of failure. By the early 1990s, the concept of state failure had gained widespread acceptance among academics, government agencies, think tanks, and development organisations. The fragile state discourse developed various approaches to interpret and explain why some states failed while others succeeded. The first approach involved using the Weberian definition of what is referred to as an ideal-typical state as the benchmark against which states had to adhere. As the bearer of a "monopoly of overwhelming force", the state had to guarantee and maintain the protection and security of its citizens within the jurisdiction of its borders. States that could not maintain authority over their entire territory found themselves on the road to failure. The second, or "Lockean," approach defined the state's obligation to act as a service provider. Scholars such as Zartman and Rotberg discuss the state's capacity to provide political goods to its citizens, such as

infrastructure, medical care, and education. The degree to which a state could not provide these political goods determined its degree of failure. In order to determine these degrees of failure, scholars such as Geldenhuys (1999), Rotberg (2002) and Gros (1996), as well as government agencies, donor organisations and academic think tanks, developed classification models that categorised according to the degree to which they did not comply with the ideal-typical Weberian definition to the state. These classifications manifested in soft, weak, failed and collapsed categories to distinguish between the different degrees of failure. The fragile state classification models were criticised for lacking objectivity, generalising complex variables and having a narrow focus on state capacity. Nonetheless, the fragile state discourse was highly influential in motivating how failed states were supposed to be transferred into liberal democratic dispensations.

As the Cold War ended and the new millennium dawned, the fragile state discourse shifted away from a more humanitarian perspective (e.g., civil wars, poverty, socioeconomic stagnation) and toward a view of fragile states as a security threat. The 9/11 terrorist attacks convinced many Western governments that a global security threat now replaced the localised threat that fragile states presented. For most of the 1990s and into the new millennium, fragile states were held responsible for everything from terrorist attacks to political and economic instability. This further encouraged the belief that the fragile state had to be reconstructed in the image of the Western liberal democratic state. These sentiments were reflected in the peace- and state-building efforts that characterised the 1990s and early 2000s. Peace- and state-building endeavours further reflected the requirements of the Weberian ideal-typical state as well as the fragile state discourse. State-building operated within the framework of the liberal peacekeeping agenda. However, while obsessing about the reconstruction of the fragile state in the image of liberal democracy, the discourse neglected the important influence of local/traditional institutions in the process of state-building.

As a result, a body of literature developed that challenged the state-centric approach that was followed during state-building efforts. The first approach, referred to as neo-Weberian institutionalism, reflected on the empirical competencies and capabilities of dominant groups at a local level, therefore, acknowledging the role and importance of traditional authorities

and institutions. However, this perspective still favoured a top-down state-building approach that had to be managed by Western neo-liberal perspectives. A second revisionist perspective is much more critical of the liberal peace-/state-building process and strongly emphasises the role that local/traditional authorities play during state-building. The thoughts and ideas of the revisionist approach are reflected in their emphasis on, amongst others, studies in neo-patrimonialism, ungoverned spaces and mediated states. The role of political anthropology in understanding the internal dynamics and complexities at a local level, when faced with a governance void, is further emphasised in revisionist literature. However, the study of neo-patrimonialism, ungoverned spaces and the mediated state have often been criticised for being too narrow in its scope. Subsequently, a broader, more all-encompassing body of revisionist literature, referred to as Hybrid Political Orders (HPO), became influential during the early 2000s. Although the Hybrid Political Order discourse is critical of the state-centrist approach of current state-building efforts, it is not opposed to the role of liberal democratic state institutions. The discourse, on the other hand, is adamant that the role and influence of indigenous/traditional institutions and authorities must be equal to that of state institutions.Therefore, the Hybrid Political Order discourse emphasised the importance of a blended approach, combining the roles of traditional and state institutions as equal partners in a governance system aimed to empower the local through participation and ownership in contrast to neo-liberal state-building that tends to ignore the role of the local. Instead of a "top-down" approach followed by the latter, the Hybrid Political Order discourse encourages a "bottom-up" approach driven by local and traditional authorities.

Somaliland is used as a case study in this research study. Somaliland is an excellent example of a stable region that stands out as a beacon of hope in the midst of the chaos and disorder that have characterised southern Somalia. Somaliland has maintained a successful and relatively stable government since 1991 by combining the influence of traditional institutions (Council of Elders) with modern state institutions. Clan leaders in the area were instrumental in initiating state-building efforts in the region following the collapse of the Said Barre regime in 1991. This is a good example of a bottom-up state-building approach that has created a stable hybrid government compared to the top-down approach followed in Somalia that has proven to be less successful. Furthermore, using Somalia as a case study perfectly illustrates the practical application of successful hybrid state-building. The case of Somaliland further

seems to be a good indicator that new forms of state-building are possible without the need to copy Western models of the state.

1.2   RESEARCH QUESTION/PROBLEM

The study's focus and scope are informed by an article by Professor Hussein Solomon (2012: 18 – 31), in which he discusses the challenges facing Political Science in the twenty-first century from a South African perspective. Five issues are raised in his discussion regarding academic political science in general and, more specifically, South African political scientists. These include the following: the need to contextualise international relations theory; an examination of the nexus between technology and politics; the incorporation of political anthropology into mainstream political science curricula; rising to the challenge of African city governance; and recognising the dangers of over-specialisation in an era that necessitates the use of a broader academic lens.

The relevance and message of this article lie within the issue of revamping international relations theory. Solomon (2012: 19 – 21) is adamant about the need for a more post-Western, more inclusive form of theorising, especially regarding theories of the state and the almost desperate need to look for alternatives other than the state-centric approaches the academic world seem to have become so obsessed with recently. The insufficiency of this approach becomes apparent from the fact that the world's 200 nation-states are not serving the interests of a majority of the seven billion human beings on the planet. Current international relations theory has been accused of being exclusive, serving only a small minority at the expense of most of the world population. An alternative perspective must not only be less Euro/state-centric but should be counter-hegemonic and emancipatory. Closely associated with this is the issue of the declining powers of the state in recent times. Although the importance of the UN and governments in managing the world's problems are declining, the teaching of political science remains too state-centric. Instead of over-emphasising the politics of public bodies, the subject discipline should rather focus on people or politics at the level of the man in the street. By focusing on traditional forms of governance, the study occupies itself with grassroots politics and the important role it plays in dispensations traditionally perceived as failed (Solomon, 2012: 18 – 31).

As a result, the study argues that the state-centric approach embodied in Weberian's definition of the state and embraced by fragile state discourse and western state-building efforts has failed to provide an objective, counter-hegemonic, and emancipatory perspective on states labelled as weak, failed, or collapsed. Instead, the study focusses on Hybrid Political Orders as an alternative perspective that follows a post-Western approach more suited to understanding the realities in fragile states while acknowledging the role of traditional authorities as equally important in the hybrid state-building process.

To substantiate the research statement above, the study seeks to address the following underlying research questions:

- Why have the decades following the Cold War been so instrumental in establishing the fragile state discourse's success and prominence?

- Why has this body of literature come under increased criticism in recent times?

- Why is the state-centric Weberian definition of the state so influential in the study of politics (and other social science disciplines)?

- How has it influenced the way in which the fragile state discourse has perceived different degrees of failure among states?

- How did the Weberian definition of the state influence post-Cold War peace- and state-building endeavours?

- Why has its neo-liberal approach been criticised recently?

- How did revisionist approaches critical of state-centrism such as neo-Weberian institutionalism, neo-patrimonialism, clientelism, ungoverned spaces and twilight institutions contribute to the debate of finding alternatives to current state-building practices?

- How did these revisionist approaches influence the evolution of the Hybrid Political Order discourse in providing an alternative form of state-building that merges traditional and state institutions into a hybrid form of governance that is less state-centric?

- Will the practical application of a hybrid form of state-building in Somaliland provide evidence that a bottom-up strategy that merges traditional and state institutions be a more successful option than the top-down strategy that is still implemented by current state-centric state-building practices?

- Will the focus on hybrid state-building in Somaliland prove that the Hybrid Political Order discourse can be regarded as an alternative post-Western, more inclusive form of theorising?

1.3   AIMS AND OBJECTIVES OF THE STUDY

The study aims to find an alternative to the inability of the fragile state discourse to accept that other forms of governance can provide similar political goods than the state, even though the state has lost its ability to deliver these goods to all the citizens within its territory. The main reason for this inability is because this discourse has a state-centric obsession with applying the ideal-typical characteristics of what is supposed to be a Western state (adhering to the standards of the Weberian definition) to supposed fragile states. Furthermore, to classify these fragile states according to the degrees to which they cannot comply with these characteristics. This also applies to the discourses view on state-building as an exercise in transforming a society from conflict and instability to one of peace and democracy, using the very same state-centric principles. Again, a Western blueprint of transformation is being enforced on a state perceived to be failing (Goodfellow, 2013: 2). Is it, therefore, possible to find an alternative to the current state-centric approach adhered to by the fragile state discourse in terms of how these states should be reconstructed in the image of an ideal-type through a process of state-building, currently a reality that is almost cast in stone? The problem of over-emphasising the state applies to the fragile state discourse, and by focusing on the Hybrid Political Order discourse, the study considers an alternative form of state-building that recognises the importance of both state institutions in combination with traditional forms of governance, thus moving away from an exclusively state-centric approach to one that also considers and acknowledges the role and importance of non-state actors as role players and facilitators in the course that ought to be taken towards a peaceful, yet representative dispensation. The HPO discourse makes no claim to revolutionise the way institutional interaction is studied. It does, however, have the potential to make a significant contribution and refocus a debate that has lost sight of the critical importance of differentiation among institutionally complex and ever-changing states. Additionally, it re-emphasizes the critical question of whether interaction between formal and informal institutions serves as a source of major conflict rather than a means of resolving conflict

(Goodfellow, 2013: 2). To accomplish this goal, the study attempts to combine the revisionist perspective's contributions with those of the Hybrid Political Order discourse in order to develop an alternative perspective that is more appropriate and relevant to the realities of contemporary state-building exercises.These two contributions have been chosen due to their vast differences. The revisionist perspective has proven to be too limited in its scope or too state-centric in its application, while the Hybrid Political Order discourse has been accused of being too broad in its scope.

As a result of the preceding discussion, it is clear that redefining fragile states as 'hybrid-political orders' opens up new governance possibilities. Additionally, such an approach can significantly benefit from a reorientation of attitudes toward external assistance in state-building projects. By reexamining the role of externally influenced governance structures, the emphasis can be shifted away from narrow western-centric state-building models and toward understanding and engaging with hybrid institutions (Mehler, 2009). At the moment, donor agencies have an attitude of teaching people in fragile states how ideal state institutions should look and then expecting them to successfully operationalize them. As a result, the state is frequently viewed as a product that can be delivered using specific institutional design principles and social engineering techniques. As a result, external actors place a higher premium on issues that appear to be relatively simple to implement. For example, by implementing ostensibly technocratic practises geared toward state-building capacities (such as law, justice, and security) in order to deliver western-style courts, police, and penal systems. On the other hand, state-building cannot be reduced to a purely technical exercise aimed at increasing the capacity and effectiveness of state institutions. It is a much more serious and contentious political issue that inevitably results in political conflict as the current distribution of power is threatened. The fragile state discourse is founded on western political thought, which equates anything that deviates from the parameters of an idealised state with chaos, disorder, and terrorism. Political scientists and international relations scholars have a particularly difficult time imagining a world without the state. The opposite has been demonstrated in a number of perceived fragile states, where alternative actors fill the void created by the absence of government institutions. The Hybrid Political Order discourse places a greater emphasis on the positive than on the negative characteristics of so-called fragile states. This perspective downplays fragility, failure, and collapse in favour of hybridity,

generative processes, adaptive innovation, and ingenuity. Additionally, it emphasises the value of community resilience and traditional institutions as assets and sources of solutions for developing constructive partnerships between communities and governments. Additional research is needed in this area to ascertain how hybrid political orders can be used to promote peace, good governance, and development.

Despite the many positives, the focus on the HPO discourse raises many questions, and the study acknowledges that the discourse is fairly new and still far from providing all the answers or solutions. In hybrid governance discussions, mention is often made of how formal and informal institutions (referring to state institutions versus traditional forms of interaction) co-exist, overlap and intertwine. A problem, however, is that there are significant differences between the latter three terms. For different institutional forms to co-exist implies something much different than for them to intertwine or overlap. Additionally, a more pressing question that needs to be addressed is what type of public authority does not incorporate both formal and informal institutions in some combination? If hybridity is ubiquitous, how does one determine when it becomes a problem and an indicator of conflict vulnerability, and when it becomes a solution? This predicament is highlighted by the case of the Eastern regions of the DRC, where hybridity is singled out as the main source of conflict in the area in contrast to Somaliland, where hybridity is perceived as the source of resilience.

The term 'hybridity's' relevance and applicability in the context of state fragility are further questioned. Hybridity is the process of combining or synthesising two or more forms to create a new form. With this in mind, it is far easier to apply the term 'hybridity' to the incorporation of traditional authorities into municipal governance in South Africa than it is to the situation in eastern DRC at the moment. In the latter case, it is misleading to characterise a state functioning in competition with or alongside other actors as something 'hybrid'. Therefore, when adherents to HPO claim that they blend formal and informal institutions, they often neglect whether this implies an actual merging or hybridisation rather than simply co-existing. Subsequently, the discourse makes itself guilty of embracing such a high degree of generality that its utility becomes questionable.

In many cases, the term 'hybrid' has been used as nothing more than a synonym for 'complex'. Therefore, the HPO discourse needs to be clearer when it describes the different interactions between formal and informal institutions, especially when states in Africa are described. This would imply a more thorough interrogation of whether hybridity in the true sense of the word is manifesting or whether these interactions are nothing more than the coexistence of competing institutions and structures. Although some observers are carefully using the term 'hybrid' in cases where the merging of the formal and informal can clearly be identified, in most cases, the use of hybridity is so sweeping that it is of little analytical use (Goodfellow, 2013: 2).

The HPO discourse has further been criticised for being too broad in its analysis of the situation in these states. Thus, showing an inability to provide a true reflection of the unique circumstances that exist in different states because they are guilty of the very same ill they accused the fragile state discourse of, namely applying generalisations to all fragile states without taking cognizance that the circumstances in every one of these states are different. However, the very weakness that fragile state scholars frequently attribute to a lack of state capacity may become a strength as the state gains legitimacy in the eyes of the public as the significance and influence of local institutions are recognised without an attempt to impose the state's supremacy (Von Trotha, 2009: 43 – 44). In this regard, Boege, Brown, Clements & Nolan (2009a: 29) concluded that "constructive interaction between state and customary governance is vital, as state fragility is not only a problem of political will, capacities, functions, institutions and powers of enforcement and implementation, but also a problem of expectations, perceptions and legitimacy. State weakness has two sides to it: a weakness with regard to capacities of effective implementation and enforcement and weakness of legitimacy".

Despite the criticism, Boege *et al.* (2009a: 31) still believe that the best outcome of a hybrid form of state-building would be "that new forms of governance emerge: combining state institutions, customary institutions and new elements of citizenship and civil society in networks of governance which are not introduced from outside, but embedded in the societal structures on the ground." The Hybrid Political Order discourse is an effective analytical tool because it enables scholars and practitioners to grapple with the political and institutional

realities of post-conflict landscapes while acknowledging their complexity and tracing their connections. While many of HPO's central tenets can be supported, including the emphasis on actual governance structures, the recognition and appreciation of local, socially embedded institutions, institutional multiplicity, and acceptance of the resulting diverse and heterogeneous outcomes, caution is required. It is always possible for pragmatically oriented researchers to promote the Hybrid Political Order discourse uncritically and to institutionalise it indiscriminately into the peacebuilding discourse by practitioners.

This discourse has not gained widespread acceptance among scholars, perhaps because it is predicated on the recognition of alternative modes of governance that do not neatly fit within dominant state-centric models. The danger with this position is that it can veer too far in the opposite direction, toward a reactionary romanticism of the local to the point where all local actors and cohorts of civil society are just as corrupt and illegitimate as discredited state institutions. Examples include warlords, criminal networks, terrorist groups, and drug cartels. In this regard Mallett (2010: 67) suggests that "uncritically institutionalising the concept's practical messages and implications into peacebuilding praxis would not only be short-sighted but also potentially very risky: overcoming a romanticisation of the 'local' and recognising the often adverse motives and actions of ostensibly auspicious local actors are requisite for both robust analysis and good politics". The Hybrid Political Order discourse, it has been argued, will not significantly challenge dominant approaches to peacebuilding, and that what is required is a more fundamental rethinking of statehood. While it does not offer paradigm-shifting alternatives to our current understanding of post-conflict environments, it is a critical and arguably necessary first step toward changing peace- and state-building practises. Fragile states and ungoverned spaces are already being reframed as Hybrid Political Orders.

In order to address the research problem, the study therefore aims to:

- Provide a Weberian definition of the state in order to demonstrate the significance of this perspective on the state and how it has influenced and become the theoretical foundation for the fragile state discourse, but also to demonstrate its influence on current state-building practises. This section furthermore emphasises the importance of the state and the fact that it is a given and will not disappear in the near future;

- To provide an overview and conceptualisation of the significance of the fragile state discourse emphasising its influence in both development and security studies. This section further highlights the importance but also failures of neo-liberal state-building exercises as the remedy for supposed state fragility;

- To consider how the Weberian definition of the state and the fragile state classification have influenced contemporary neo-liberal state-building efforts.

- Reflect on revisionist approaches that have recently become critical of the state-centric approach followed by the fragile state discourse. These include neo-Weberian institutionalism, neo-patrimonialism, clientelism, ungoverned spaces, twilight institutions, the mediated state and political anthropology. This section argues that all of these approaches have contributed to the debate but have been too limited and often exclusive in their scope or, in the case of neo-Weberian institutionalism and Fukuyama's anthropological perspective, still to state-centric in their views;

- Attempt to accomplish the study's primary objective by focusing on Hybrid Political Orders as a perspective that is moving away from a state-centric approach to achieving an ideal dispensation (or hybrid state-building) that recognises the role of both state institutions and traditional forms of governance. Its goals and ideals are also broad enough to encompass all the previous approaches that have individually also attempted to provide non-state-centric alternatives. Criticism against the HPO perspective is carefully weighed against its advantages to form and maintain a logical argument;

- To focus on Somaliland as a case study of the practical application of a possible successful example of a Hybrid Political Order in action. This section provides a historical overview of the origins of Somaliland within the greater context of Somalia and how it has managed to become an autonomous political entity. The chapter focusses on how state institutions and traditional institutions (with special emphasis on the House of Elders or *Guurti* have merged to form a hybrid form of governance. The successes and failures of this form of governance is then analysed.

- The study considers the successes and failures of hybrid state-building and governance in Somaliland. The question of whether this unique process of state-building could be regarded as a true practical application of successful hybridity (which involves traditional as well as liberal democratic institutions in the governance process) will be weighed

against the possibility that the hybrid state-building process was just an interim phase towards Somaliland becoming a liberal democratic dispensation in which traditional authorities actually have very limited influence and authority. The study further ponders Somaliland's quest for independence (and international recognition thereof) from Somalia. This issue is important since Somaliland fulfils all the requirements of statehood except the recognition of its sovereignty by the international community. This predicament further begs the question of whether Somaliland has utilised the process of hybrid state-building as a means to an end in the achievement of a (western) democratic system and therefore increasing its chances of gaining international recognition of its statehood. The study aims to provide a perspective that focuses on the positive rather than the negatives of troubled societies and an acknowledgement that what is considered a failure is rather a situation where other actors fill the leadership and authority void to maintain a form of government that can in unison with current state institutions, achieve results that better reflect the political reality of societies that are labelled as failed by current fragile state and state-building approaches.

1.4   LITERATURE REVIEW

The fall of the Berlin Wall signalled the end of communism and marked a watershed moment in how politics would be viewed in the future. The world's affairs have been abruptly dominated by an apparent ideological shift toward liberal democratic regimes based on a free-market economic system. Numerous states in the developing world (particularly Africa) and numerous former East European states have adopted democratic governments (Wesley-Smith, 2004: 4 – 5; Sur, 2005: Internet). This trend of moving towards democratic systems manifested in a viewpoint developed by Samuel P. Huntington (1991) that the world at the time was experiencing a 'third wave of democracy'. For many states, the exercise in democracy turned out to be disastrous, resulting in political instability and a return to brutal authoritarian dispensations. Suddenly, the world's attention was drawn to the plight of states in the developing world. When viewed through a liberal democratic lens, the majority of African states demonstrated grave shortcomings in their ability to function as states were intended to function, as Weberian defined the state as possessing the monopoly on the legitimate use of physical force within a specific territory (Weber, 1946: 77 – 80). The Cold War blurred the realities of what was happening in these states, but after the collapse of

communism, it became clear that although most states in Africa possessed *de jure* statehood (the legal recognition of statehood by other states), they seriously lacked *de facto* statehood or the state's ability to provide security, legitimacy and the provision of essential services (Wesley-Smith, 2004: 4 – 5; Sur, 2005: Internet)[1].

Madeleine Albright and others at the United Nations popularised the concept of 'state failure' in the early 1990s. Prior to the 1990s, political scientist Robert H. Jackson (1990) coined the term "quasi-states" for a related subject (Cojanu and Popescu, 2007: 114 – 115). As early as the 1960s, American political scientist Samuel Huntington (1968) coined the term 'political decay' to refer to situations of instability in which economic growth is insufficient to meet political expectations. Helman and Ratner's 1993 Atlantic Monthly article *Saving Failed States* promoted the idea of UN conservatorship as a possible solution to the problem, as did Kaplan's controversial 1994 Atlantic Monthly article *The Coming Anarchy*, which examined state failure in West Africa and the possibility that it could spread globally. This was followed by Zartman's (1995) edited collection *Collapsed States*, which focused on the failure and collapse of states. Additionally, the studies were contributed to by Patrick (2006), Krasner and Pasqual (2005), Clemens and Moss (2005), Francois and Sud (2006), and Malek (2006).

State failure, as defined by Francois and Sud (2006: 143 – 145), is a functional event that occurs when a state loses its ability to perform its primary functions. State collapse is a much more uncommon institutional occurrence in which state institutions disintegrate completely, resulting in political disorder and an authority vacuum. In other words, when the state fails, the government ensures that some semblance of order is maintained. When a state disintegrates, however, the absence of a governing regime renders conventional methods of international diplomacy and/or coercion completely ineffective. In the context of this argument, fragile states are prone to future failure. USAID (2005) attempted to provide a more precise and straightforward definition of failed states by subdividing it into three stages of state deterioration. To begin, failing states lack the capacity to provide and deliver essential services. Second, failed states are those in which the central government has lost significant

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[1] For the purpose of this chapter, the term fragile is be used to refer to the body of literature as a whole (fragile state discourse) as well as to states that are supposedly on the brink of 'failure'. The term 'failed' and 'collapsed' is used to refer to degrees of failure of states that have moved beyond the threshold of fragility.

control of a significant portion of its territory. Thirdly, while state governance and stability have improved in recent years, they remain precarious. As a result, fragile states fall short of Weberian statehood standards and expectations (Stepputat and Engberg-Pedersen 2008: 2). The terms 'failing' and 'failed' refer to a state that is on the verge of total collapse (but not necessarily). Thus, the state's 'fragility' is a precursor to the state's 'failure' (Naude, Santos-Paulina, and McGillifray, 2008: 1; Steward and Brown, 2009: Internet).

The failed state literature has evolved the concept of an ideal-type (or strong) state against which failed state conditions are measured. When defining such an ideal-type state, Eriksen (2006: 2 – 6) distinguished between two distinct approaches to state failure (based on their proponent's understanding of the state). The first refers to Weberian's definition of a state as one that exercises exclusive authority over the legitimate use of physical force. According to this view, the state has the sole authority to employ violence in order to maintain control and security over its territory. If it loses control of portions of its territory, it may be viewed as a sign of weakness, failure, or collapse, depending on the extent of the loss of control. Weber's definition placed a premium on the state's *de facto* characteristics rather than its *de jure* ones (Weber, 1946: 77 – 80; Woodward, 2004: Internet; Yesilkaya, 2007: Internet; Williams, 2007: 1 – 2; Jackson, 2000: 296). The Weberian definition of the state is conceptualised using primary sources and contributions to collaborative works by Max Weber. Among these are his two most well-known works, *The Protestant Ethic and the Spirit of Capitalism* (1958) and *Economy and Society* (1968, 1978). His contributions are also reflected in *What is a State?* (1990), *Politics as a Vocation* (1946, 1952, and 1958) and *The Social Psychology of World Religions* (1958). Additionally, the study examines the contributions of additional authors who have defended and criticised Weber's influence, including Goldman (1993), Angevall (2005), Morrison (1995), Anter (2014), Parkin (1982), and Dusza (1989).

Authors such as William Zartman (1995) and Robert I. Rotberg (2003) defend the second underlying, or Lockean, approach, which views the state as a service provider. States, according to this view, collapse when they become incapable of providing the services for which they were established. While the state's primary responsibility is to provide security for its citizens, it is also responsible for a variety of other public goods across a range of social sectors. Health, education, infrastructure, social services, a functioning labour market, and a

healthy environment are just a few of these services. Additionally, the state is expected to establish transparent mechanisms for redistribution of economic resources. To ascertain the extent to which various (weak) states fail to meet the minimal requirements of statehood, several scholars, including Geldenhuys (1999), Rotberg (2002), and Gros (1996), have developed classification models in which the degrees of deterioration in these states are compared to conditions in an ideal-type state (as defined by Weber). A variety of quantitative and qualitative models and indexes have since also been used in an attempt to identify, measure and monitor fragility, whilst others attempt to predict future instability. The result is many different lists and rankings of state fragility, each created for different purposes and to measure different degrees and dimensions of fragility (Faria, 2011: 2 – 3). Donor organisations, government agencies, and research institutions such as USAID, the Political Instability Task Force (University of Maryland), the World Bank, the British Department for International Development (DFID), the Central Intelligence Agency's Directorate of Intelligence in 2000, and the Crisis States Research Centre at the London School of Economics developed a classification system. However, the different models compare states that are heterogeneous; thus, the value of such comparisons is not clear. On the other hand, states that are often similar are ranked too far apart, making it difficult to comprehend such disparate ranking within the fragility scale (Faria, 2011: 2).

These shortcomings are exacerbated further by the fact that the majority of approaches evaluate degrees of stateness on a continuous scale, beginning with states that meet the classical Weberian criteria for statehood and ending with states that meet none of these criteria for successful statehood. The closer a state comes to fulfilling statehood ideals, the closer it will be to the position of an ideal-type state, implying a lower degree of failure. States with a limited or non-existent capacity to meet statehood requirements deviate further from the ideal-type state, indicating greater degrees of deterioration. According to Ferreira (2017: 1291), the development community has used the term 'fragile state' for more than a decade. Initially, donor organisations used it as a catch-all phrase to raise awareness about the importance of assisting fragile states. In response to the desire to gain a better understanding of these states, there has been a surge in the development of tools and models for quantifying fragility. However, it was not long before academics began to point out the term's ambiguity and the discourse's shaky theoretical foundation. The approach relied on western-centric pre-

requisites for statehood that were frequently inapplicable to fragile state conditions and circumstances. As a result, the discourse appeared to struggle to quantify its findings. The absence of a firm theoretical foundation has exacerbated confusion regarding the causes, symptoms, and consequences of state fragility (Madhuraj, 2020: 103). Despite minor differences, the majority of classification models classify failed states into several broad categories, including fragile, soft, weak, failing, failed, and collapsed states. Apart from the above points of criticism, the models used to measure fragility suffer from many other deep-rooted problems. Firstly, it lacks objectivity, transparency and realism regarding how indicators are measured and different dimensions or variables are weighed. Secondly, it is accused of often generalising complex and specific variables that make it inappropriate as a guide for country-specific interventions. Thirdly, it focuses too narrowly on state capacity and institutions. Fourthly, their views are often biased with no recognition of the role of external actors/policies in the weakness often experienced by states. Lastly, they are often reductionist because their actions are based on the notion of an ideal state model without recognising the history and trajectories of state formation (Faria, 2011: 3; Chuter, 2009: 28 – 29).

The concept of a failed state is vague and is often blindly applied to many disruptions in these states. The latter has understandably also evoked a reaction from states which are labelled as failed. Recently critics, mainly from the South, have argued that the term failed has a threatening tone and could be used as an excuse for intervention and the resulting violation of the sovereignty of these states. Scholars, diplomats and policymakers in the North have since become sensitive to these sensitivities and began to modify the adjective to appear less offensive – now rather referring to 'fragile states', 'crisis states', or 'states at risk of instability' (Chuter, 2009: 28 – 29, Woodward, 2004: Internet, Da Costa and Karlsrud, 2011: 4 – 5).

By the end of the Cold War, security and development (then largely distinct fields of study) were no longer constrained by the bipolar logic. Concerns have been expressed regarding a diverse array of new security threats, particularly those emanating from the South. Simultaneously, the development field expanded in scope and politicised. By equating development with security concerns following the 9/11 attacks, development became repoliticized. According to the 2002 National Security Strategy of the United States (NSS,

2002: Internet), "America is now threatened by failing states rather than conquering states." The American government made it abundantly clear that failed states could provide safe havens for terrorists, posing a threat to the national security of the United States and the rest of the free world. The failed state discourse remained influential in both development and security at the millennium's turn. Within the policy community, state failure is viewed as a threat to both development and security, and state-building operations are proposed as the remedy and central task of contemporary policies (Boege, Brown and Clements, 2009b: 13). While economic growth and poverty reduction remained critical goals, other factors such as good governance, democracy, and market economies were now viewed as necessary for periphery stability development. As a result of security and development expanding concurrently, a number of issues now fall under the purview of both policy fields. This intersection, dubbed the security-development nexus, provides the framework for the fragile state debate. It makes two claims: that security is necessary for poverty reduction and that a lack of development results in conflict, implying that security and development are inextricably linked. Additionally, it implies that poverty and conflict in one part of the world contribute to other parts of the world experiencing insecurity and instability. Development, which was originally conceived as a means of maximising economic growth in developing countries under neo-liberal economic theories, has been reimagined as a means of enhancing global security. This fostered the notion that in order to achieve domestic security, Western governments needed to pursue development abroad through the liberalisation of these states' institutional and functional infrastructures; in other words, state-building (Andersen, 2008: 9 – 10; Yesilkaya, 2007: Internet).

By the late 1990s, the debate over fragile states had become so entrenched that it was being blamed for virtually every threat to international peace and security, from civil wars to drug trafficking and terrorism. The general consensus amongst scholars and policymakers was that the situation could only be resolved through intervention. Furthermore, the domestic disorder could only be prevented by a third party to stabilise the situation. These threats had a domestic impact and threatened global peace and security, which now provided an international interest and not just a moral obligation to intervention. As a result, state-building became a priority for the UN, foreign ministries and international organisations. The United States and the UN highlight the importance of state-building. They "seem to have

concluded that the conditions of global governance depend on the exclusive existence of independent states capable of controlling their territories, policing their populations and discharging their international obligations" (Gourevitch, 2005: 255 – 256)**.**

Ottaway (2003: 245) adds that the practice of reconstructing failed and collapsed states have become the norm in peacebuilding operations to such an extent that collapsed states are expected to rise again with international support in the image of a democratic state. Current donor models of state reconstruction demand that the state in question be transformed from its collapsed *de jure* state to the *de facto* Weberian state. Anything deviating from this model is considered to be fragile or incomplete. A top-down approach to state-building is followed, which "encompasses most development engagements in fragile states and is guided by a particular set of assumptions related to the composition and structure of national and local government, and on the functions that state apparatus should perform" (Wennmann, 2010: 2). External actors work to establish or reform a range of state-related institutions, including electoral systems, executive financial agencies, parliament, courts, and the military and police. There is a strong emphasis on demonstrating immediate and visible results to the population. The goal is to instil confidence in the new government and to instil a positive outlook in the populace. During periods of civil war and unrest, infrastructure such as schools, clinics, roads, and power supply are often destroyed or deteriorate as a result of neglect, necessitating a process of quick infrastructure rehabilitation (Andersen, 2008: 14 – 15; Boege, Brown*,* Clements and Nolan*.* 2009a: 17 – 18; Francois and Sud, 2006: 150).

When state-building is conducted within the framework of liberal peacekeeping, the critical relationship between government administrative authorities and traditional authorities at the local level is frequently overlooked. Rather than that, they focus their efforts on the host state's relationship, attempting to strengthen it at the local level in order to extend state authority and services. Exactly here, international peacekeepers pass up an opportunity to move beyond the top-down, state-centric approach that is so ingrained in the liberal peace agenda (Da Costa and Karlsrud, 2011: 4 - 5).

Neo-Weberian institutionalism aspires to acknowledge and transcend the fragile state discourse's limitations. According to Solomon (2013: 247), it seeks to avoid some of the

pitfalls associated with traditional neo-liberal responses to state failure. By concentrating on the empirical capabilities and competencies of the dominant corporate groups, political goods and security are provided while remaining rooted in the concept of positive sovereignty, allowing policymakers to respond more balanced and appropriately to the circumstances in these states. Analysts and practitioners have recently reemphasized the importance of moving away from the fragile state discourse's state-centric approach and toward something more receptive to existing alternative forms of governance in troubled areas. This revisionist perspective is more critical of liberal peacebuilding and advocates for a much stronger emphasis on local realities, institutions, knowledge, and agency. Theoretical perspectives such as neo-patrimonialism, ungoverned spaces, mediated states and twilight institutions have been developed to focus on how traditional institutions form an integral and often opposing part of the Weberian understanding of the state (Kraushaar and Lambach, 2009: 6 – 14). However, these theoretical concepts could only explain an aspect or some aspects of the realities in developing states as the attention was more urgently focused on what is now referred to as Hybrid Political Orders. HPO refers to an attempt at developing a more all-encompassing and less state-centric understanding of the role of informal, traditional institutions in a political reality that traditionally have only recognised the role of formal state institutions. The revisionist trend already started during the 1960s when Robert Dahl (1961) referred to political pluralism as a political sphere that consisted of various competing actors.

Another perspective that has recently contributed to the revisionist debate is political anthropology. Incorporating political anthropology into political science is important as Euro/state-centric modes of conflict resolutions on the African continent often fail and because traditional institutions and the critical role that they could have played have never been considered (Solomon, 2013).

By focusing on the social and political aspects of a society and its connections, political anthropology can contribute significantly to our understanding of the internal dynamics and complexities of the assumed governance void created in fragile states. In his most recent work entitled *The Origins of Political Order,* Francis Fukuyama (2012) blends anthropology, social biology, history and political science to search for the origins of modern government. His

perspective could sit comfortably within the broad ideas of political anthropology but only to a certain extent, which is discussed later. It can also be accommodated within the broad goals of this study as it focuses on state-building with the idea of progressively moving in the direction of a dispensation that is experiencing turmoil, conflict and division to one that is stable, functioning and peaceful (Burleigh, 2011: Internet; Gagnon, 2011: 83).

By contrast, the concept of Hybrid Political Orders fits well with existing revisionist perspectives, contributing to our understanding of post-conflict political community and institutional configuration realities. It deserves additional attention because this approach has been the most influential in recent discussions about alternative top-down state-building strategies in the fragile state discourse. Adherents of the concept of Hybrid Political Orders emphasise that the Weberian state is only one of several possible structures of order in a given territory, and that these alternative governance arrangements can act as a bridge between conventional socially engineered state-building exercises and state-building as an organic, but frequently violent, process (Wennmann, 2010: 25 – 26).

Since around 2004, an increasing number of scholars have concentrated on what has become known as the discourse of Hybrid Political Orders. The Australian Centre for Peace and Conflict has conducted extensive research on Hybrid Political Orders (HPO), focusing primarily on countries in the South Pacific and Africa (Mallett, 2010: 65). The latter appears to provide a more complete picture of the role of various forms of traditional authority in providing governance in the absence of state authority. According to these scholars, "the concept overcomes the notion of the state as being the superior and ultimate form of political order per se and frees the debate from its current state-centric bias" (Boege *et al.* 2009a: 88).

HPO adherents frequently emphasise the resilience of customary non-state institutions and authorities such as clan chiefs, village elders, and religious leaders, who shape local perceptions of the state and are frequently critical actors in ensuring the state's effective operation.The emphasis of Hybrid Political Orders is further placed on what is referred to as actually existing governance, which implies that practitioners focus on what *is* there instead of identifying what is *not* (the latter being the approach usually taken by the fragile state perspective) (Mallett, 2010: 75 – 76). Because the state's authority, legitimacy, and capacity

must be shared with other structures in such an environment, the state loses its privileged status as the political framework that provides protection, essential services, welfare, and representation. This scenario is referred to as Hybrid Political Orders due to its significant departure from the ideal-type western state. Additionally, it reflects the synthesis of elements derived from truly disparate societal sources that operate according to disparate logics. According to the latter, these spheres do not exist in isolation but coexist and contribute to the formation of a distinct and genuine political order. In light of this, Hybrid Political Orders may be perceived as emerging states or may develop into them. As a result, new policies must be developed to accommodate new forms or types of states that borrow concepts from the western model and recognise and work with the hybridity of particular political orders (Boege *et al*. 2009a: 23 – 24).

The concept is not novel or analytically groundbreaking in its current state but does draw upon and share various similarities with 'neo-patrimonialism', 'twilight institutions', ungoverned spaces and the mediated state. By emphasising the empirical political realities of states in conflict or emerging from conflict, the latter terms offer an alternative to conventional notions of state fragility and state-building. Thus, the term 'hybrid' is sufficiently inclusive to encompass a diverse range of non-state forms of order. This is because it can combine elements derived from disparate societal sources with disparate logics while also recognising that these disparate institutions (public and private) do not operate in isolation. It can actually assist and support one another to create an order that is interwoven. Recently, the study of HPO has started to feature much more prominently in a pool of critical literature, including work done by the Berghof Handbook Dialogue (dedicating their work on the study of HPO to challenge the current discourse on state fragility). The concept has further been infused into several working papers, such as studies being conducted by Beall and Ngonyama (2009) on South Africa and Cammack, Kanyongolo and O'Neil (2009) on Malawi, as well as studies conducted by the Overseas Development Institute (2009) (emphasising the HPO concept as a key consideration and priority area for capacity development) (quoted in Mallett, 2010: 65 - 66).

The Hybrid Political Order discourse is more encompassing and advantageous than all the other revisionist approaches that have preceded it (briefly focused on in the previous section).

Firstly, in contrast to the approach followed by the fragile state discourse, HPO is a non-state-centric concept and does not evaluate political phenomena in terms of their relation to the state. This view does not consider the state to be the preeminent form of governance (Kraushaar and Lambach, 2009: 3 – 4). This broadens the scope of analysis beyond the dominant state-centrism. Second, the concept expresses no view on the efficacy of government arrangements and makes no recommendation regarding the mode of interaction between formality and informality. It is open to various kinds of interaction ranging from competition to substitution. This agnosticism makes HPO an attractive vantage point from which exploratory empirical research can be conducted. The approach further rejects teleological and essentialist arguments and focuses on an approach that is open to dynamic change. The HPO discourse offers a much broader focus than any of the other concepts. It does not limit itself to specific social fields or types of interaction between formal and informal institutions. It therefore never holds expectations that formal polity and informal political structures should necessarily interact in some particular way.

In contrast, all the other theoretical concepts such as neo-patrimonialism, clientelism, ungoverned spaces, twilight institutions, the mediated state and political anthropology suffer from two key problems. They are narrowly constructed and focus on particular social fields or modes of interaction. These concepts, therefore, focus on a specific aspect of hybridity rather than on the whole. The second problem is that they (except political anthropology) are too closely bound to a state-centric perspective. Informal institutions are analysed in terms of their relationship to formal institutions, and any deviations are regarded as an obstacle to the process of modernisation (Kraushaar and Lambach, 2009: 14 – 15).

Adherents are adamant that the HPO discourse is not opposed to the state but rather focuses on blending traditional state institutions with traditional types of authority in an attempt to create a system of governance that is a more authentic reflection on the internal dynamics of states that are perceived as failed. Rather than blindly adopting Western models as the best path forward for conflict prevention, security, development, and good governance, a greater emphasis is placed on governance models that recognise the inherent strengths of social order resilience in the communities in question and the already existing institutions on the ground. While acknowledging the state's importance in post-conflict landscapes, this

perspective emphasises the existence and political functions of other actors and institutions (Da Costa & Karlrud, 2011: 16).

As a result, this approach emphasises the positive characteristics of the state rather than the negative ones that the fragile state discourse frequently emphasises. This perspective downplays fragility, failure, and collapse in favour of hybridity, generative processes, adaptive innovation, and ingenuity. Additionally, it emphasises the value of community resilience and traditional institutions as assets and sources of solutions for developing constructive partnerships between communities and governments (compare Boege et al. 2009a and b). Rather than just focusing on the state's failings, it is more significant to focus on the realities of what and who are fulfilling those tasks usually associated with the state (Goodfellow, 2013: Internet).

From this vantage point, it is imprudent to refer to these states as weak or fragile, as this implies the presence of another actor stronger than the state, rather than viewing the state as one of several actors responsible for providing services and regulation. From an HPO perspective, these states should be described as emerging states where its hybridity should not be observed as a characteristic of weakness and failure but "as the potential basis for a stable, legitimate and contextually specific form of a state system". (Goodfellow, 2013: Internet) The state, according to them, is an essential given, but its role as the provider of authority, legitimacy and capacity has become incompatible with the realities that exist in states that are classified as failed (Goodfellow, 2013: Internet).

In terms of state-building, the HPO discourse proposes a bottom-up instead of a top-down approach. Their idea of state-building is a more blended one, acknowledging the role that state institutions need to play in combination with the contributions of traditional institutions. Somaliland is a good example of where the latter has been successful. Somaliland is a former British protectorate in the northwestern part of Somalia, where the state collapsed following the overthrow of Said Barre's regime in 1991. In contrast to Somalia's collapse of government institutions, Somalilanders over a fifteen-year period have established a functioning, effective, and legitimate political order. Their success is a result of the integration of traditional institutions (elder councils) and modern state institutions built on the basis of

free and fair elections. The latter has placed a premium on its Guurti, or House of Elders. The Guurti is an upper house of parliament established in 1993 as a council of traditional authorities. By representing their constituents, they hoped to ensure stability in newly independent Somaliland (Boege *et al*. 2009a: 29; Pham, 2008: 22 – 25).

This body has been charged with monitoring the government and supervising legislation that affects cultural and religious values. Members of the house are chosen by consensus, and clan representatives are chosen to act as a check on the lower house's party politics. However, critics have also pointed out the system's flaws. Over time, members of the Guurti acquired their positions through inheritance rather than merit, and were influenced by the executive, raising questions about their accountability (Goodfellow, 2013: Internet). Despite these reservations, clan elders and their councils played a critical role in the peacebuilding process by utilising traditional conflict resolution methods and mechanisms. Although Somaliland can be considered a self-sufficient and legitimate political entity, the international community has yet to recognise it as a state. As a result, it satisfies the de facto requirements for statehood but not the de jure requirements. In contrast to many other attempts, Somaliland has pursued peace and state-building almost entirely on its own, fueled by the strength and resilience of its indigenous communities. Somaliland's state-building efforts may be regarded as a success storey because they emerged from below rather than being imposed from above. Additionally, it occurred in the absence of a centrally organised monopoly on violence (Boege *et al*. 2009a: 27; Pham, 2008: 22 - 25). Somaliland's experience demonstrates that new forms of state-building are possible without slavishly copying Western state models but rather focusing on customary institutions rooted in local communities. The latter is true for the proposition that traditional structures provide a cultural foundation for future state-building attempts. While Somaliland can be considered an outlier, this is not entirely accurate. In the DRC's North Kivu province, non-state institutions such as churches and other customary societal entities have stepped in to fill the void left by the absence of the state. The same is true for the Kenyan-Tanzanian border region, where a system of order maintenance and conflict resolution has evolved in opposition to state institutions and is based on customary law rather than state law. Even in Somalia, widely regarded as the paradigmatic example of state collapse, informal systems of adaptation, security, and governance exist in the absence of a central government. The examples above, which incorporate elements of both the

western state model and customary institutions, may appear quite dissimilar to western ideals of how government structures should look and may even be considered lacking in institutional and enforcement capacity (Von Trotha, 2009: 43 – 44).

1.5   RESEARCH METHODOLOGY

As outlined in the research question, the study pursues the possibility of an alternative perspective to the current state-centric approach that is adhered to by the fragile state discourse and applied in current neo-liberal state-building practices. Furthermore, as the study will demonstrate, applying Weberian's definition of the state through the lens of the fragile state discourse and applying it to state-building efforts has met with limited success, particularly in Somalia. Nonetheless, contemporary scholarly research on state-building in fragile states is regarded as authoritative and accepted as the standard by a large number of academics, government agencies, and donor organisations. In contrast, alternative or revisionist state-building approaches that are less state-centric and that acknowledges the role of customary and traditional authorities as equal partners with liberal democratic state institutions is still regarded with suspicion. This view reflects the dominant attitude currently held that successful state-building is not possible if a state-centrist approach is not followed.

In contrast, the study attempts to address the need for a more post-Western, more inclusive form of theorising towards the state and state-building and that is less state-centric in its application. In order to achieve this, the study investigates a relatively new discourse within development and security studies, namely Hybrid Political Orders. The latter is conceptualised, and its alternative views explained, contrasting it to the established norms of the fragile state discourse. The study further explains and contrast two opposing bodies of literature, namely a broadly accepted perspective supported by a strong state-centric foundation and a perspective supported by this study that aims to move away from an overemphasis on the state to a viewpoint supporting non-state, traditional forms of governance.

The epistemological dimension of social sciences research is probably its key dimension. It deals with the scientific ideal of searching for the truth. The goal of the epistemological dimension is the authoritative and reliable understanding of the reality that is being studied.

Additionally, it is concerned with the possibilities and constraints of knowledge within a particular field of study (Hallebone and Priest, 2009; Mouton and Marais, 1990: 14 – 15). Thus, the study's epistemological objective is be to comprehend the Weberian definition of the state's influence on fragile state discourse and neo-liberal state-building practises. It also examines the limitations of the aforementioned state-centric approach in terms of successfully establishing states in so-called fragile states. Thus, the study seeks to consider a revisionist and alternative approach to state-building, dubbed a Hybrid Political Order, that is less state-centric and more capable of explaining the conditions found in fragile states.Furthermore, the study suggests that this form of bottom-up hybrid state-building, which involves both traditional and state institutions, be considered as an alternative form of state-building that is better suited to the conditions in post-conflict societies.

A qualitative methodological approach is be used to explore issues, understand phenomena and answer questions. According to Mouton and Marais (1990: 159), qualitative research is an approach in which procedures are less strictly formalised, the scope is more expansive, and the methodology is philosophical in nature, in contrast to quantitative research, which is more formulated and explicitly controlled, with a more defined and naturalistic scope (Aspers, 2019: 139). The qualitative approach is followed as the study aims to identify aspects of the Hybrid Political Orders discourse that can better explain conditions in fragile states, providing an alternative to the state-centric approach that is more blended and better suited to conditions in the target state. This strategy is also followed because the research is characterised by conceptual analysis and theory development. Thus, the is deductive. Mouton and Marais (1990: 113) argue that "in deductive argumentation, true premises necessarily lead to true conclusions, and the truth of the conclusion is already implicitly and explicitly contained in the truth of the premises". The study is deductive because theories and insights gained from the fragile state discourse and Hybrid Political Orders discourse is applied to Somaliland as a case study. Here aspects of a comparative approach also comes into play as the fragile state discourse is compared with the Hybrid Political Order discourse to weigh their views, successes and shortcomings in terms of state-building. The importance of ethical considerations is also acknowledged in the study. Therefore, various different sources were consulted to ensure the study is as objective as possible. As this is a desktop study, there were no human or animal participants and the study did not involve the collection of data through

the use of questionnaires or interviews. Data is collected through primary and secondary sources, including academic journals, newspaper articles and internet sources. Therefore, the study is a literature review that aims to gain knowledge of the research topic through the utilisation of these sources. It examines the dominant academic views on the Weberian state definition, how this definition has influenced the fragile state and state-building discourses' perceptions of state failure, and their views on state reconstruction in the image of the Western state. The study thereafter critiques the inability of these state-centric discourses to relate to the unique conditions present in so-called fragile states and their use of a blueprint cookie-cutter approach in evaluating these states. The study also focuses on revisionist approaches to state-building, specifically, the Hybrid Political Order discourse that acknowledges the unique conditions in each of these states and encourages the role that customary and traditional authorities should play in unison with liberal institutions in a successful and less-state-centric state-building approach. The Hybrid Political Order literature is evaluated, and its principles applied to the state-building experience in Somaliland from 1991 to 2017, following an evaluation of the successes and failures of this form of hybrid state-building.

1.6   OUTLINE OF THE STUDY

The thesis is be divided into seven chapters.

Chapter One provided an overview and general orientation to the study. The discussion on the research topic guided the reader towards the research problem; the latter was operationalised through the study's aims and objectives. Also presented was a discussion about the literary review, research design and methodology, concluding with an outline of the study.

Chapter Two provides a theoretical perspective and conceptualisation of the Weberian definition of the state and the fragile state discourse. These two perspectives offer a theoretical foundation for which the study seeks to present an alternative.

In Chapter Three, the focus is placed on a conceptualisation of the fragile state discourse, highlighting its use of linear models to determine degrees of failure to which target states do not comply with the requirements of the Weberian definition of the state. The chapter also

focuses on a critique of the fragile state discourse to indicate its inabilities to sufficiently analyse conditions in states that they regard as failed.

Chapter Four shifts the emphasis to a conceptualisation of neo-liberal peace and state-building practices to indicate its almost obsessive state-centric top-down approaches towards the reconstruction of post-conflict states in the image of ideal-typical western liberal-democratic states. The chapter focuses on a critique of neo-liberal peace and state-building practices, emphasising its inabilities to successfully transform post-conflict states into stable and functioning entities. The chapter concludes by focusing on several revisionist perspectives that have attempted to provide an alternative to the state-centric approach of the fragile state discourse. Subsequently, neo-Weberian institutionalism, neo-patrimonialism, clientelism, ungoverned spaces, twilight institutions, the mediated state and political anthropology is conceptualised.

Chapter Five attempts to present Hybrid Political Orders as the most viable alternative to the state-centric approach, as they are more comprehensive than all of the perspectives discussed in Chapter Three. The discourse is conceptualised, and its benefits and drawbacks discussed. Attention is briefly focussed on Chad, Rwanda and Mozambique as examples of limited forms of hybrid governance as well as Somaliland as the best manifestation of HPO.

In Chapter Six, attention is placed Somaliland as a case study of the practical manifestation of a Hybrid Political Order. It will be critical to weigh the successes and failures of this example of hybrid governance to determine whether Hybrid Political Orders would be able to provide an alternative model of state-building that is more successful than current (Weberian) state-building practices.

Chapter Seven serves as the evaluation and conclusion of the study. This chapter will be of critical importance as it will be the manifestation of the study's inductive methodological approach as an attempt is made to provide an alternative theoretical perspective that can overcome the shortcomings of current state-centric state-building practices that can serve as a guideline for policymakers and practitioners.

CHAPTER 2: A CONCEPTUALISATION OF THE WEBERIAN DEFINITION OF THE STATE AS AN IDEAL-TYPE OF THE FRAGILE STATE DISCOURSE

2.1   INTRODUCTION

The origin of the modern state is generally traced to the Peace Treaty of Westphalia in 1648. "These agreements laid down the basic rules of what would later become the requirements of statehood. By adhering to these requirements, states were not only recognised by other states as equal, but they also earned the right to rule over their particular territories without interference from other states" (Schoeman, 2008). Over the years, much has been written about the state. It has been theorised, and its role and function within the broader society criticised, disputed, and defended. The debate about the relevance of the state in the post-Cold War era has become an ongoing process of the support or criticism of an entity that has cemented its reputation as arguably the most important political actor in global affairs. The Weberian notion of the state has become the ideal-typical benchmark against which conditions in states that depart from these alleged ideal-typical features are contrasted and analyzed, particularly from the standpoint of the fragile state discourse.

"A permanent population living within the confines of a demarcated territory with a sovereign government" (Schoeman, 2008) that exercised a 'monopoly of overwhelming force' became the key requirements and characteristics of statehood, subsequently becoming a particularly important definition on the part of the fragile state discourse (Hall, 2001: 802). The main focus of the research is the fragile state discourse which follows a strong state-centric approach, using the Weberian definition of the state as the theoretical foundation or ideal-type (requirements for statehood) from which conditions in states that do not adhere to these requirements are analysed. Therefore, the study unpacks this classic definition of the state by Max Weber as the foundation for the idea of an ideal-type state. The study further seeks to determine how his contributions have influenced definitions of the state and how his characteristics of the state have contributed to our general understanding of the state and its influence within the fragile state discourse.

For the sake of a logical flow of argumentation, the chapter conceptualises the state as it is defined by scholars in political science and international law texts, frequently referring to the contribution of Max Weber where applicable, to highlight and emphasise his role and influence in the definition of the state. The methodological approach of the chapter is characterised by strong normative features, therefore prescriptive in nature, as the idea of how an ideal-type should transpire is investigated.

The chapter commences by determining the relationship between the state and its role within the broader society of which it forms part. Thereafter, the focus of the discussion shifts to the origins of the state. This is followed by a conceptualisation of the Weberian of the state, which is the main focus area of the chapter. The focus of the study then shifts to a discussion about the theoretical ideas of Max Weber, with specific reference to his thoughts on 'legitimate domination', which can be regarded as the foundation on which his ideas about the state is constructed. The influence of legitimate domination will then be reflected in the two most dominant definitions of the state: the legal (juridical) and the structural-functional (empirical) definitions, much of which is contained in the Montevideo Convention of 1933. The discussion identifies the most salient characteristics of the Weberian state (as defined by the fragile state discourse). These include the 'monopoly on the lawful use of force,' constitutionality, the rule of law, effective bureaucratic structures, authority and legitimacy, capacity and performance, democracy, and good governance principles.

2.2   THE HISTORICAL DEVELOPMENT OF THE STATE

Before the state can be defined and discussed, it is important to determine its position within the broader society. Most academic textbooks dealing with the state focuses on its historical origins but often neglect to clarify its role in and relation to society of which it forms part. Discussions usually commence with a historical overview, definition and characteristics of the state, not recognising that the state forms an integral part of society and that it has resulted from changes in terms of power relations that took place in societies over many centuries. The logical point of departure would therefore be to observe the relationship between state and society. Emphasis must be on demarcating the role and place of the state within society.

2.2.1 The Relationship between State and Society

MacIver (1966: 4 - 5) argues in his seminal work, *The State*, that a clear distinction between state and society is necessary because conflating the social and political creates confusion and obstructs understanding of either society or the state. In accordance with Classical Liberalism's principles, John Locke made a clear distinction between the state and civil society. In a civil society, which he regards as a system of free-market regulations, each individual is free to acquire or sell property as a reward for his labour. This freedom is maintained by state authority and is subject to public interest demands, and governments function is limited to this (Van Niekerk, 1996: 152 - 153). It further relates to curbing the authoritarian impulse of the state/government via checks and balances by keeping private life separate from political life. MacIver (1966: 4 - 5) concurs and believes that "there are social forms, like the family or the church or the club, which owe neither their origin nor their inspiration to the state; and social forces like custom or competition which the state may protect or modify but certainly does not create; and social motives like friendship or jealousy which establish relationships too intimate and personal to be controlled by the great engine of the state. The state exists within society, but is not even the form of society". With this in mind, the state must be observed as a system of order and control that regulates people's relationships in society.

To further enhance his views on the state's role in society, MacIver (1966: 5 – 8) uses a typology to indicate that all social forms may be classed as areas of society. Firstly, he refers to the latter as communities. Examples of communities include the city, village, nation and tribe. Secondly, organisations established within society to achieve conscious and limited purposes are referred to as associations. Associations include the church, extended family, class and business firms, for example. Associations are defined further as a group of individuals or members who have formed a unified will to accomplish a common goal. Thirdly, he identifies institutions that are organised modes according to which communities and associations regulate their activities. Institutions may include the political party 'machine' and the market. Institutions do not directly refer to persons but to the modes or means through which their activities are related and directed. He views the state as either an institutional system or association without any third alternatives.

Only a portion of one's life is spent within or as a member of an association, whereas the entirety of one's life is spent within a community circle. MacIver (1966: 7) argues that the state can never be regarded as a community. Instead, communities constitute the parts of society that forms the whole of which the state is an association that uses institutions as modes and means to meet its endsAs a result, the state is a component of society, not the other way around. Van Zyl (1983: 9) continues by stating that throughout history, societies' need for order and organisation, as well as the provision of security, access to resources, social rule, and means of continuity, gave rise to the state. The state and other institutions have become an integral part of the worthwhile existence of communities within society (Solomon, 2013: 223). A society without these institutions is nothing more than a loose collection of individuals without any division of labour or authority. Solomon (2013: 223) agrees with MacIver (1966) that society is a complex collection of institutions and associations as well as societal relations. Therefore, the reality of which society forms part is characterised by 'unity in diversity' and 'diversity in unity'. This implies that the state does not perform in isolation with the rest of society, which in this case refers to the entire non-political social context of human existence. Society, in turn, is part of the whole of reality. Society as a specific aspect of human existence is therefore composed of a collection of societal institutions as well as societal relations. One of these institutions is the state. Held (1983: ix) summarised the relationship between state and society very effectively, arguing that "the problem is that the state is enmeshed in society; in a sense, it is constituted by society, and society, in turn, is shaped by the state".

The state's efforts to achieve unity and coherence also emphasise its'separation' from the larger society. The constitutions of the majority of modern Western states reflect this division between state and (civil) society.In this view, the state needs to be perceived as an ensemble of institutional arrangements and practises representing and "justifying itself as a realm of expressly political activities (legislation, jurisdiction, police, military action, public policy) complementary to a different realm – society – comprising" (Poggi, 2008: 9) on its part, diverse social activities that state organs do not explicitly promote or control due to their non-political nature. The latter activities are carried out by individuals in their private capacities, pursuing their own values and interests and establishing relationships that are not related to public policy (Poggi, 2008: 9).

Despite it being enmeshed in society, the state is still unique and, in many ways, different from other organisations in society. In this regard, Ranney (1990: 9 – 10) distinguishes three ways in which government (state)[2] differs from other social organisations. Firstly, the state possesses broad authority. Rules made by any other social organisation only apply to the members of such an organisation, while the state's rules apply to all of its citizens. Secondly, the membership of the state is involuntary. In other words, membership in the majority of social organisations other than the state is voluntary, whereas people become citizens of a state and subject to its rules without any conscious choice or action. Thirdly, the state possesses the authority to enact authoritative regulations. These rules are deemed to be more binding on all members of society than other organisations' rules. The latter refers to the notion that the state possesses a monopoly of force, which is a central tenet of Weberian state definition. This is discussed in greater detail further down the road.

The purpose of this chapter is not to detail the historical process by which the modern state came to be. Nevertheless, a brief examination of the historical context in which the state developed is necessary.

2.2.2   Origins of the State

Clarke, Golder, and Golder (2019: 53; 60 – 69) argued that for centuries, scholars and theorists have pondered the origins of the state. Rather than focusing exclusively on the historical development of the state, they propose two additional philosophical perspectives to address this question, namely a contractarian and a predatory perspective. According to contractarians, the state was established to resolve political disputes between citizens. This solution, however, created a new obstacle, pitting citizens against the state. This begged the question: if the state possessed sufficient authority to maintain peace and order among its citizens, what prevented it from exercising this authority against them? The predatory view delved deeper into the possibility of conflicts of interest between citizens and the state. Adherents of this view argue that the state evolved unintentionally as a result of strategies

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[2]Note that Ranney (1990) as well as another American scholar Robert Dahl use the terms 'government' and 'state' synonymously (Hoffman and Graham, 2009: 14)

used by actors such as lords and kings to retain their power. This view implies that the state can be described rather unflatteringly as "'an extortion racket' that threatens its citizens' well-being and then sells them protection from themselves" (Clarke et al. 2019: 53).

Some forms or manifestations of the state have always existed, however primitive and unorganised they might have been. For instance, Giddens (1989: 300) refers to such communities as 'stateless societies'. Although fairly unorganised compared to today's standards, these societies did not relapse into chaos but had informal mechanisms of government through which decisions affecting the community were channelled and disputes resolved. The family structure was the earliest form of societal organisation. From the family level up to clan or tribal groups, authority developed. While authority traditions were passed down from generation to generation, as the population grew, these tribes or clans were forced to develop mechanisms for managing the ever-increasing and diverse interests of the various groups.It has further been argued that the state came into being when people considered it as natural as the landscape around them and something that they could no longer live without. With the growth of populations, scarcity of food and other essential resources became a concern. The notion of property ownership started to develop. As the diverse interests of different groups increased, the leadership structures also had to become more and more organised to meet the increasingly challenging social demands. The growing importance of private property and a developing economy led to more modern forms of government that institutionalised stricter and more consequent rules as populations increased in relation to available food supplies, once nomadic tribes started to permanently occupy fertile pieces of land where agriculture became an essential source of sustainability for inhabitants. The development of an agricultural economy can be viewed as one of the earliest characteristics of the territorial state. Other factors, such as war and physical dominance, also played a significant role in the formation of the modern state (Van Niekerk, 2001: 41; Du Plessis, 1941: 3 – 4; Rodee, Anderson, Christol and Green, 1967: 24 – 25; Giddens, 1989: 300; Krasner, 2011).

The modern state originated in the late Middle Ages, when Europe was dominated by feudal political structures. On the opposite side of the globe, China held a Sino-centric view of itself

as the centre of the universe. Sino-centrism referred to the Chinese tributary system that lasted from 1368 to 1841 and was seen as a hierarchical order with China as the hegemon. Thus, one could argue that China was viewed as inferior to the development of the European state from a Western state-centric perspective (in terms of absolute monarchy and later the rise of the nation-state). From a Sinocentric Chinese perspective, the development of the state in Europe lagged behind China's hegemonic domination in the East. (Is Pacific Asia returning to Sinocentrism: Internet). Scholars such as Sabine and Thorson (1973: 19 – 34), Van Creveld (1999: 20 – 35), Rodee, Anderson, Christel and Greene (1976: 17 – 18) as well as Vincent (2004: 40) trace the origins of the state back as far as the early Greek polis (city-state) when conscious efforts were already made to formulate principles concerning the state. Clarke *et al*. (2019: 66 – 67) argue, however, that the modern state's power dynamics are rooted in early European history following the fall of the Roman Empire. It was composed of a group of local lords who offered protection to peasants in exchange for rents required to work on the lord's land. These feudal lords were constantly in competition with one another over issues such as territory expansion and technological advancement, which heightened the rivalry. The feudal lands were gradually consolidated into larger holdings under the feudal king's control.

Additionally, the balance of power shifted once again in favour of feudal kings, who made feudal lords their subjects. As a result, European society was dominated by social relations based on landed titles and aristocratic elites who derived their wealth from the feudal system of production and social organisation. One of the early 'state' functions in this monarchical and aristocratic system was to administer on behalf of the monarchy. In essence, its main purpose was to ensure the generation of wealth for the monarch. European royal families and their aristocratic allies used their wealth to wage war, defend their sovereign territory, and invest in elaborate architectural projects and works of art. (Rodee *et al.*, 1976: 17 – 18; Vincent, 2004: 40).

Two worlds coexisted in feudal societies: a small elite bound by landed wealth and blood ties lived in splendour, while the vast majority of the population worked in conditions of poverty to provide this splendour for the monarchs. Through a patronage system and the frequently brutal application of social control by landowners, the working classes accepted their fate

passively and rarely resisted the reality of which they were a part. Another view maintains that the industrial revolution established strong middle classes, which posed a challenge to the aristocracy's authority. This led to the development of a modern, post-monarchic state formation. The printing press significantly enhanced the bureaucratic function of administration on behalf of the monarch or religious leader, while also increasing literacy levels. The print revolution facilitated the efficient communication of regional and national issues by authorities. Advances in print technology further contributed to the development of nationalism and shared identity within sovereign states. Due to the increase in paperwork, it necessitated the creation of a modern bureaucracy to manage it. These processes contributed to the development of the concept of the state as a collection of institutions (Tedesco, 2007: 3 – 4; Devetak, 2007: 123 – 124; Hague and Harrop, 2007: 23 – 24; Strauss, 2009: 1).

The expansion of the administrative machinery required to support the monarch's management of society resulted in significant shifts in the country's power balance. As a result, by the 1700s, the state had evolved into a more impersonal institution. The state was no longer completely dependent on or subject to monarchy and was no longer exclusively identified with the monarch. Another significant shift occurred in the way the state waged war. In its earliest form, the state was established to safeguard the monarch's ability to exercise authority both internally and through war with external or internal adversaries.

In contrast to this, the impersonal state fulfilled these functions autonomously, in its own right, exercising its dominant influence over the sovereign territory and waging war in its own defence. In light of the latter, one could argue that if any single force was responsible for the modern state's transition, it was war (Hague and Harrop, 2007: 24). In this regard, Charles Tilly (1985: 172 – 183) argues that the power struggle between feudal lords and kings to expand their territory and influence as a result of their leaders' attempts to survive played a significant role in the later formation of the modern state. This conflict involved "war-making" (neutralising rivals outside the territory in which they held the force), "state-making" (neutralising rivals within those territories), "protection" (eradicating clients' enemies), and "extraction" (acquiring the means to carry out the first three activities). In summary, Tilly (1975: 42) declared that "war makes states in the same circular, developmental pattern.

National variation, according to this model, comes from the inclusion of 'capital accumulation' along with 'war-making' and 'resource extraction' in early modern state-making". He further elaborates by stating that as war made states, these states made war with other states (Tilly, 1975: 42). The introduction of gun powder in the fourteenth century altered the scale and tactics of warfare, as infantry and artillery supplanted knights on horseback. This state of affairs led to a competitive and expensive arms race (Milliken and Krause, 2003: 4; Hague and Harrop, 2007: 24).

This eventually resulted in the establishment of armed forces, police forces, and prisons to maintain order and control. These organs of internal and external domination can be viewed as the earliest manifestations of state power in action. Maintaining these organs also necessitated the expansion of state functionaries' responsibilities beyond purely administrative ones. These processes resulted in the emergence of authority that was no longer exercised by monarchical absolutism but rather by civil society, which gained greater influence over the exercise of power, particularly social control. Although the impersonal state was initially closely aligned with the elite, the institutions created to manage it became increasingly autonomous over time, and a separation of powers developed between this state form and the monarch with his or her own personal bureaucracy (Tedesco, 2007: 4 – 5).

A clear shift in authority was a critical event in the emergence of the modern state. In domestic affairs, the monarch or religious leader has always been regarded as the figurehead and most powerful entity. However, the establishment of state institutions that were at least partially independent of the monarch and religion resulted in conflicts over their control and debates over the state's control rights and role. State institutions gradually gained autonomy to the point where they were no longer considered an extension of monarchic power. Within the space created by a more autonomous state, civil society became more organised and politically active. In other words, the early institution created to serve and defend the monarchy evolved into a collection of institutions that reflected the broader social relations within a particular territorial space at a particular point in time. (Tedesco, 2007: 4 – 5; Vincent, 2004: 41; Devetak, 2007: 123 – 124). In this regard, Tedesco (2007: 5) reflect that "the values imparted by the impersonal state were also important in that they were less elitist than those of the monarchist regimes. Consequently, notions of citizenship, social inclusion and equality

became recognised as significant themes around which the state could organise itself, and institutions would be created to advance these values".

War was eroding the feudal pillar of the mediaeval framework, with the Reformation rebalancing religious dominance. Around 1520, several Protestant reformers led by Martin Luther protested what they perceived to be the organised (Roman Catholic) Church's corruption and privileges. These protest actions had far-reaching political ramifications, fueling conflict between Protestant and Catholic rulers, culminating in the Thirty Years War (1618 – 48) fought in German-speaking Europe. The conflict was resolved in 1648 with the signing of the Peace Treaty of Westphalia, a watershed moment in the development of the modern state. The treaty granted rulers control over religious practise within their kingdoms, effectively elevating national secular authority above the Roman Catholic church (Milliken and Krause, 2003: 3).

Following the signing of the Peace Treaty of Westphalia (1648), the development of central authority structures in Europe advanced rapidly, but these developments required theoretical justification. Although the latter was established to bring an end to Europe's Thirty Years War, it is widely regarded as the founding date of the modern state system (Solomon, 2013: 224). The notion of sovereignty (as well as ideas about contract and consent) became the theoretical issue of the day. The French philosopher Jean Bodin (1962) was one of the first to consider the idea that within society, a single authority should have the exclusive and undivided power to make laws in his work *The Six Books of Commonwealth*. Legislation, war and peace, appointments and judicial appeals were all responsibilities of the sovereign.Bodin's ideas came to light in what he describes as 'sovereignty', which he viewed as a unique feature of the state. For him, sovereignty referred to a description of the highest authority in society. In other words, sovereignty refers to the government's authority and absolute power to enact laws binding its subjects without their consent (Bodin, 1981: 222 in Strauss, 2009: 10).

The state remains the final arbiter over the lives of its citizens, leaving them a resource to no higher law (the idea of sovereignty is discussed in more detail later in the study). While this is true in times of peace, it becomes even more dramatically evident during times of war. The

state, for instance, has the right to send its citizens to their death through its sanction to transform even the most brutal forms of killing into acts of patriotic heroism (Stoessinger, 1975: 7 – 8). This idea of the concentration of authority was already far removed from the decentralised medieval framework of Christendom and feudalism. The English philosopher Thomas Hobbes (1968) advanced the idea of a strong sovereign in *Leviathan* by arguing that without a central authority to enforce peace, such a society would descend into civil war (Sabine and Thorson, 1973: 433 – 434). Whereas Bodin's sovereign retained a divine source of authority, Hobbes took a much more secular approach. To him, sovereign authority was rooted in a contract between rational individuals seeking to be protected from the actions of one another. If the sovereign failed to deliver order, the populace was free to disobey (Hague and Harrop, 2007: 24 – 25; Vincent, 2004: 41; Strauss, 2009: 10). Two watershed historical events exemplified the concepts of sovereignty, contract, and consent: the American and French Revolutions. However, it is frequently regarded as the most audacious attempt to reinterpret sovereignty in democratic terms that the French Revolution of 1789 made. Although it was barbaric and inhumane, this historical event shaped modern democracy. A significant outcome was the formulation of the revolution in the 'Declaration of the Rights of Man and Citizen,' a document frequently referred to as the blueprint for virtually all modern states. This document served as the preamble to the 1791 French constitution and is still incorporated into the current French constitution. Although these democratic ideals perished as violence, terror, and war fueled Napoleon's authoritarianism, the revolution in new ideas was irreversible. The French Revolution effectively completed the theoretical foundations of the Western democratic state (Finer, 1997: 1516).

Clarke *et al.* (2019: 67 – 68) contend that compared to how the modern state developed in Europe, the state in sub-Saharan Africa has evolved later and not undergone all the historical steps of European state formation. This happened largely because agricultural output in Africa was fairly moderate and the inhospitable physical geography of the continent made it very difficult to administer large holdings. Clarke *et al.* (2019: 68) further argues that "in effect, the payoff to effective state protection has not always been worth the cost. In addition, the large distances between populated areas and interference from outside actors have limited geopolitical competition between independent units. As a result, there are large

portions of sub-Saharan Africa which, although nominally under the control of states that were established at the end of the colonial period, appear 'stateless'".

In the following section, the Weberian approach to the modern state is conceptualised as this forms the main point of departure of the study. It must be highlighted that not all characteristics of the modern state can be attributed to Weber. For the purpose of order and logic, the approach will be to incorporate the thoughts and ideas of Weber where necessary and applicable instead of providing a separate section dealing with his thoughts.

2.3   A CONCEPTUALISATION OF THE WEBERIAN STATE

Although Max Weber is not considered a political scientist per se, but rather a social scientist in general, his definition of the state is frequently regarded as the most influential in our understanding of this form of social organisation. Within the fragile state discourse, Weberian's definition of the state serves as a template for the ideal-type state against which conditions in dispensations experiencing varying degrees of fragility and deterioration are measured. As a result, it is necessary to provide a comprehensive overview of Weber's thoughts on his state definition[3]. Goldman (1993: 853) and Agevall (2005: 1) argue that due to the stature of Weber as a theorist, his views are often disputed in terms of how his work is interpreted, how his political views are applied, the social and intellectual roots of his ideas, as well as the methodology he used. Derman (2020: 519) believes that much of Weber's thoughts had "been contaminated by various forms of 'Eurocentric' biases such as cultural prejudices, misapprehensions of Western uniqueness, and inept applications" of what an ideal-typical state is supposed to be. Weber was also chastised for attempting to understand non-western institutions through the lens of western ideal-types, thereby overlooking the distinctive norms that structured the dynamism of non-western societies. Max Weber was often accused of celebrating European dynamism in his work *The Protestant Ethic and the Spirit of Capitalism* (1958). In the latter, Weber hails the wonders and achievements of

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[3] Max Weber was born on the 21st of April 1864 in Ertfurt, a small city in the south eastern part of Germany. In 1905 Weber published the second part of one of his most influential works *The Protestant Ethic and the Spirit of Capitalism* (1958). In 1909, he started working on his most ambitious theoretical and historical contribution *Economy and Society* (1978), which he never finished. Weber died in 1920 at the age of 56 (Parkin, 1982: 15; Morrison, 1995: 212 – 213).

western science, arts, scholarship as well as the ideals of citizenship, contrasting the "oriental despotism" that disadvantaged traditional societies.

Weber made his major political contributions between 1914 and 1920 and appeared in the first volume of his critically acclaimed work *Economy and Society* (Morrison, 1995: 282). In this work, Weber tackled themes as wide-ranging as state development, the expression of political power, how political communities are organised, democracy, administration, the development of a system of law and a comparative study of different forms of domination. Bruhns (2020: 47) adds that capitalism has been a central theme in Weber's views on the economy. Weber's objective was to address two issues concerning social and historical development. On the one hand, he was interested in the ways in which development patterns contributed to empires' decline and the rise of the modern state. On the other hand, he desired to examine the evolution of political authority's manifestations as the modern state developed (Morrison, 1995: 282 – 283).

As previously stated, the state evolved gradually from earlier political systems to what is now known as the modern state. Weber (1968) hypothesised the characteristics of the modern state that set it apart from previous traditional systems of rule or systems of authority. The earlier systems of authority were primarily defined by two overarching characteristics. To begin, no clear distinctions were made between rulers and institutions of rule. This was a distinguishing feature of the European monarchical system's absolutist rule. The attitude of the time is exemplified by a speech delivered by Louis XIV, the French king, to the Paris parliament in 1655 in which he allegedly declared L'Etatc'estmoi (I am the state). A second characteristic of traditional forms of rule was the relative lack of transparency, autonomy, independence, and tenure security for the officials who served the rulers. In contrast to the officials in modern state bureaucracies, they were the ruler's personal staff, expected to demonstrate their loyalty to the ruler rather than the state or its constitution. Weber was adamant that the development of institutions of rule and governance that were formally distinct from not only the rulers and officials who ran them, but also from the citizens, was critical in the transition from traditional forms of rule to the modern state (Leftwich, 2011: 225; Tedesco, 2007: 4).

However, Weber (1978) was interested in how the modern state developed and also how its acquisition of a complex legal and political structure at the turn of the century altered the way it would continue to be governed. This brought an end to the era of empires with their absolute monarchies and unaccountable dominant leaders as well as impoverished classes of antiquity dominated by a land-owning aristocracy. Instead, the modern democratic nation-state introduced parliamentary systems, bodies of rational law, world markets and enfranchised citizens. Their authority became more centralised, markets and economies were broadened, and citizens became entitled to legal and political rights. Furthermore, the rise of the new state system led to creating new forms of political authority. It is within this context that Weber became interested in developing a theory of what he referred to as legitimate domination (Weber, 1978: 53). Anter (2014: ix) argues that the time during which Weber developed his viewpoints on the state was far removed and remote from the current "negotiated state" and "multi-level governance". His arguments, however, retained much of their appeal and validity. His definition of the state as a monopoly of legitimate force has withstood the test of time and has gained widespread acceptance in contemporary political science, sociology, and legal theory. As a result of the fundamental changes brought about by the formation of the modern nation-state (just in terms of modern societies' political institutions), he developed an interest in the ways in which political power manifested itself in various historical contexts. This could be achieved by comparing the systems of domination that existed throughout different historical periods (Morrison, 1995: 282 – 283).

Weber (1978: 53) commenced this analysis by distinguishing between power and domination. In his words, "power is the ability of individuals to carry out their will in a given situation, despite resistance. In his view, power and struggle were inevitable components of social life, the very stuff of which politics is composed" (Weber, 1958b: 78). Additionally, power and struggle were embodied within specific structures (institutional structures) that institutionalised power within a particular framework from which power is contested (Dusza, 1989: 73). By contrast, domination refers to the ruler's right, within a "established order," to "issue commands to others and expect them to obey" (Morrison, 1995: 283). Thus, the ruler has the authority to exercise command and to expect others to obey. The critical component here is the combination of ruler and command, which results in a legitimate system of authority with the consent of the governed. This holds true for governments and other large-

scale organisations. Rather than focusing exclusively on power, Weber concentrated on the various systems of domination and, more specifically, the structure of domination. He assumed that various systems of domination differed in the manner in which commands are issued and the level of obedience expected of those subject to such commands. In this regard, he believed that each system of domination could be viewed as a unified 'apparatus of authority,' because each reflected the relationship between the ruler, administrative officials, and other groups of people in the established order (Morrison, 1995: 283). By examining historical forms of authority, Weber identified two critical components of any system of dominance. The first is about legitimacy and the perception of legitimacy among those who are subjected to authority; the second is about developing effective administrative staff.

In clarifying the issue of legitimacy, Weber (1978: 212 – 216) referred to "the extent to which officials, groups and individuals actively acknowledge the validity of the ruler in an established order, and the right of the ruler to issue commands." Each established order contained a set of beliefs regarding the legitimacy of a particular system of dominance. Each system of domination, on the other hand, is founded on a corresponding belief among the populace in the ruler's legitimacy or right to command and rule over individuals. The second element of importance refers to forming an effective administrative staff that Weber believed was an essential component of any system of domination and how they enforce their rules and commands. Each system of domination is different from one another in terms of four characteristics. The first is a claim to legitimacy; the second is the type of obedience it fosters in individuals; the third is the type of administrative staff designed to carry out commands; and the fourth is the manner in which a given system exercises authority. With these distinctions in mind, numerous systems of domination have existed in various societies throughout history. For example, some societies were based on military dominance, while others were based on centralised monarchical powers or a system of laws, while still others were based on the direct use of physical force. This particular issue prompted Weber to investigate the social and historical conditions that contributed to the persistence of long-lasting systems of domination and the mechanisms by which they maintained themselves. Weber identified three types of legitimate domination in his theory of authority: traditional domination, charismatic domination and rational-legal domination (Weber, 1978: 212 – 216).

Traditional domination is founded on long-established customs and traditions. It is legitimate because it has always existed and has been sanctified by history as a result of previous generations' acceptance. This type of authority typically operates according to a set of fixed and unquestionable concrete, customary rules. They do not, therefore, require justification because they reflect how things have always been. Tribes and small groups exhibit examples of this type of authority in the form of patriarchal arrangements and gerontocracy. In societies where traditional authority is dominant, obedience is owed to the individual, not to specific rules and regulations. In such societies, leaders acquire authority in two ways. To begin, through the prestige bestowed by tradition on the leader and the belief that the ruler's commands are valid due to the leader's inherent authority. Second, rulers assert their authority through the exercise of discretionary powers bestowed upon them by titles or hereditary claims to power. These rulers can assert traditional prerogatives, privileges, and rights, effectively conferring on them near-limitless authority. Additionally, the relationship between the ruler and the ruled is defined by the subject's personal loyalty to the ruler. Followers consider commands to be legitimate if they fall within the scope of two distinct types of action. On the one hand, the validity of a command is determined by the weight of applicable customary rules. On the other hand, the validity of a particular command is determined by the leader's discretionary authority. In the latter case, followers must rely on certain prerogatives as a source of command legitimacy (Weber, 1978: 227 – 229)[4].

The second type of authority, charismatic authority, is based on an individual's personality strength. Weber (1952: 79) stated: "the extraordinary and personal *gift of grace* (charisma), the absolutely personal devotion and personal confidence in revelation, heroism, or other qualities of individual leadership". These charismatic leaders demonstrate an uncanny ability to appeal directly and personally to their followers as a sort of hero or even saint. They exhibit characteristics and abilities that are not available to ordinary people due to their alleged divine origins. Due to this person's perceived divine qualities, they are frequently accepted

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[4] Within this system of domination, Weber (1978: 229 – 232) identified two formal types of traditional administrative authorities, namely patrimonial and patriarchal. The patrimonial form of administration is usually based on a 'system of favourites', performing functions for rulers out of loyalty and obligation. The people who perform these favours are usually also close followers of the master. Patriarchal administration is usually a variation of traditional domination found in households in which the master obtains legitimacy and governs by rule of inheritance.

and treated as a leader (Clements, 2008; Weber, 1978: 241). Most modern leaders, especially those in democratic states, might embody features of charismatic leadership but cannot be classified as such because their authority is based and kept in check by the offices they hold. Charismatic leadership becomes dangerous when it is not based on formal rules or procedures, when the leader assumes the role of a Messiah with unquestionable personal authority, and when the masses are transformed into followers or disciples who must submit or obey. As a result, strong personalities can also undermine state institutions.

Thirdly, there is authority under legal-rational domination "by virtue of 'legality,' by virtue of belief in the validity of the legal statute and functional 'competence,' based on rationally created rules. In this case, compliance with "statutory obligations" is expected (Weber, 1952: 79). Here, authority is associated with a clearly defined set of rules. According to Weber, legal-rational authority is the typical type of authority found in the majority of modern democratic states. Formal constitutional rules both define and limit leadership authority. Thus, officials in positions of authority are subject to laws and must act in accordance with the impersonal order of legal rules, even when dispensing commands. Governmental authority is constrained, and efficiency is enhanced through a rational division of labour. What distinguishes legal-rational authority from traditional and charismatic authority is that it is associated with an office rather than a person, which reduces the likelihood of power abuse. As a result, individuals owe their allegiance to an impersonal legal order (Weber, 1952: 79). Weber (1978: 215 – 219), on the other hand, believed that the increased efficiency brought about by this type of political legitimacy might also result in a more depersonalised and inhumane social environment marked by the spread of a bureaucratic form of organisation. Weber also recognised the necessity and significance of bureaucratic structures in ensuring the modern state's efficiency and effectiveness. But, the powers of such a bureaucratic machine had to be limited (Weber, 1978: 215 – 219; Weber, 1968: 1393, 1417). Weber (1978: 218) motivates the latter by explaining that "since the operation and organisation of this system of domination take the form of legality, the total system of laws and judicial framework leads to a form of administrative organisation which grows out of the principle of legality". In his view, legal domination tends to form an administrative structure that is bureaucratic in nature. Such a bureaucracy is reflected in the organisation of offices, staff and files. Bureaucracy can be viewed as the archetypal manifestation of legal-rational authority

(Weber's views on the significance of bureaucratic structures is discussed in greater detail later in the study) (Parkin, 1982: 77). Thus, the modern state embodies Weber's concept of legal-rational domination. This assumption has been critical in shaping our understanding and perceptions of the modern state.

According to Weber, the ideal legal-rational state is liberal democratic. Individual liberties would be guaranteed in such a state, and the interplay of conflicting interests would be permitted. Personnel with the highest decisional authority are chosen through such institutionally secure competition. Additionally, the personnel and government are backed up by an administrative apparatus that operates according to a set of predetermined rules. This arrangement is bolstered further by the fact that all commands in the political community are in the form of official jurisdiction, which is created and regulated by a normative order (Dusza, 1989: 75).

In the following section, attention is be given to how Weber's footprint is visible in the definition of the liberal democratic state as the norm or blueprint adhered to by the fragile state discourse against which all dispensations deviating from its characteristics are measured.

"The shadow of the state falls upon almost every human activity. From education to economic management, from social welfare to sanitation, and from domestic order to external defence, the state shapes and controls, and where it does not shape or control, it regulates, supervises, authorises or proscribes". With this statement, Andrew Heywood (2007: 89) underscores that the state is the most important all-encompassing form of political organisation that has ever existed. No individual can escape the overwhelming and binding influence of the state. Devetak *et al.* (2007: 121) add that although the state may not be the only actor in world politics, it is recognised as the one with the most significant impact on people's lives. However, the state remains challenging to define and understand because of a bewildering number of roles and functions often attached to it. The issue is complicated further by the fact that there appears to be little agreement on what is actually being studied. Is the state to be viewed solely as a collection of governing institutions, a structure of legal rules, a subspecies of society, or a collection of values and beliefs about civil existence? In this regard,

MacIver (1966: 3 – 4) argues that "it may seem curious that the state should be the object of quite conflicting definitions, yet such is certainly the case". The state is frequently interpreted as a class structure or an organisation that transcends class, as a power system or even a welfare system, as a legal construction or as a community organised to act according to legal rules (Weber's legal-rational interpretation of the state comes to mind). In contrast to alternative views disputing the importance of nationality, the state is further associated with the nation. The American revolutionary thinker Thomas Paine famously argued that "society in every state is a blessing, but Government, even in its best state, is but a "necessary evil" (Vlassopoulos, 2009: 132). He argued that, at the very least, the state was the provider of order and security and a manager of contracts. It was, however, evil because it imposed its collective will on society, thereby limiting liberty and impinging on individual responsibilities. This is also a central concept for classical liberals, who advocate for a minimal or "night watchman" state (Heywood, 1997: 43). Thomas Paine's (1995) view of the state as a necessary evil contrasts sharply with Marxism's view that the state is an evil that will eventually become obsolete (through a communist revolution).These contradictory views highlight that it is often difficult to conceptualise the state, and depending on one's philosophical, theoretical and ideological perspective, an understanding of the state often lies in the eye of the beholder (McIver, 1966: 3 – 4).

The term 'state' comes from the Latin stare (to stand) and status (to be) (referring to a condition). In this context, status referred to the ruler's condition, his possession of stability, and the elements necessary for him to achieve stability; thus, it referred to the ruler's legal position. Typically, the ruler's standing or status was acquired through family, sex, profession, and state property characteristics. Toward the end of the Middle Ages, the term'status' took on a broader connotation as it was transferred from an individual to a legally organised body of men (Dusza, 1989: 78). The term "state" entered modern usage in Europe during the Renaissance. From its Latin root, it became estat in old French, Staat in German, état in French, and state in English. Interestingly, the English word estate derives from the same root. Both terms refer to land or territory, and both stem from a feudal system in which land ownership played a significant role in the political structure. The modern concept of the state entails a distinct form of public power, distinct from both ruler and ruled, that serves as the supreme political authority within a defined territory. The above (and especially "an

independent political apparatus distinct from the ruler") forms the central conception of the modern state. The transfer of political power from monarchs to the populace can almost certainly be considered the watershed moment in the evolution of statehood (Vincent, 2004: 39; Tivey, 1981: 3; Jackson & Rosberg, 1984: 177).

In defining the state, Weber (1946: 77 – 80) posed the following question: What is politics? He contended that the term is extremely broad and encompasses any form of autonomous leadership in action. Thus, addressing the institutionalisation of command (leadership) authority and the emergence of power blocs or competition among the powerful (Dusza, 1989: 82). However, according to his definition, politics is defined as the leadership or influence of the leadership of a political association, which in this case refers to the state. According to him, the state cannot be sociologically defined in terms of its ends but only in terms of its peculiar means, which in every political association is the use of physical force. While force is not always the only tool available to a state, the relationship between the state and violence is intimate. Weber described the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory" (Weber, 1946: 77 – 80). The significance of this definition is that Weber argues that other institutions and individuals have the right to use physical force only to the extent that the state permits it. As a result, the state has the sole right to use violence. According to Weber (1968: 643), the concept of a monopoly of force is a relatively recent historical development. Throughout the Middle Ages, no political body was organised in such a way that its constituent parts had the authority to issue binding commands to all members. By emphasising the modern state's monopoly of force as its primary characteristic, Weber (1968: 54-56) distinguished it from all preceding dispensations in history. What set the state apart from all other political organisations was the severity of its ultimate control mechanism; in other words, its use of physical violence. The state is the only organisation that can successfully assert the right to use physical force to maintain order (Weber, 1968: 54 – 56). No other organisation is permitted to use the same degree of physical force against its members. The monopolisation of violence has been accompanied by what Weber (1981: 173) refers to as the spread of pacification, peaceful submission, or ever-radical moralisation, implying the gradual separation of force-based aspects of men's relations from the rest of human relations. Thus, when there is a monopoly of force, certain pacified social spaces are

created that are typically devoid of violence. Society is not completely devoid of force, but rather stores it in a distinct domain, namely the state.

Clarke *et al.* (2019: 54 – 55) identified two problems with Weber's idea of the legitimate use of physical force as well as the term 'monopoly'. The first problem relates to the use of the term legitimate in the context of forceful state action. History is full of examples where states have intervened in protest actions (for example, the civil rights and Vietnam war protests in the United States during the 1960s) that were experienced by large margins of the population as illegitimate action by the state. The question here is how can the actions of the state be called legitimate if the target is its own citizens? The second issue concerns the use of the term'monopoly,' which contributes to conceptual confusion among scholars. For example, non-state actors such as the Irish Republican Army (IRA) in Northern Ireland and al-Qaida in Iraq and Afghanistan are believed to be legitimate responses to foreign occupation. It is not obvious from this argument that the state always has a monopoly on the use of physical force (Clarke *et al*., 2019: 54 – 55). In later definitions of the state (compare the definitions of Tilly, 1985: 170 and North, 1981: 21), specific reference to legitimacy and monopoly has been omitted, although these definitions do not dispute that states rely on the threat of force to organise their societies. The latter, however, does not imply that the state is all-powerful or even untouchable, nor does it imply that it can always impose its will. Often the marginal costs for the state to enforce laws are so great that some degree of noncompliance from the populace is tolerated. For example, the state cannot police every citizen skipping a red light or underage student abusing alcohol. Although different states interpret the use of coercion differently, they rely on it and use it to rule effectively (Clark *et al.* 2019: 56).

For Weber, politics took place within the context of the state. It was an attempt to share or distribute power among states or groups within states. Therefore, if any external or internal actor or organisation can successfully challenge the national government's authority and succeeds in establishing areas of monopolistic control for themselves, they acquire the essential characteristic of statehood. When the emphasis is on the de facto characteristics of statehood, it becomes impossible for two concurrent monopolies of force to exist and exercise control over the same population and territory. When a single group among numerous rival groups is unable to establish permanent control (and thus the exclusive

monopoly of force) over contested territory, the area is said to be'stateless' (Jackson and Rosberg, 1982: 2; Gill, 2003: 5). Weber (1946: 77 – 80) further perceived the state as a relationship between men dominating other men and mandating legitimate violence. For a state to exist, those who are dominated had to accept the authority of those who govern over them.

Weber (1990: 38 – 41) viewed the modern state as a subset of the state, which was, in turn, a subset of a broader category of political association. In this regard, Weber concurred with MacIver's (1966) view that the state is an association, as discussed previously. According to Weber (1990: 38 – 41), the state is a mandatory political organisation that will continue to operate as long as its administrative staff successfully defends its claims to the monopoly on the legitimate use of physical force to enforce its order. Additionally, the modern state is composed of an administrative and legal structure that is subject to change by the legislature. This legislation directs the administrative staff's organised activities. Additionally, this system of orders asserts binding authority over state members (the majority of whom are citizens by birth) and over all actions occurring within its jurisdiction. In this sense, the state is viewed as a territorially bound compulsory organisation. The use of force is only considered legitimate when authorised or prescribed by the state. According to Weber, the state must possess two characteristics: the monopoly of force and the character of compulsory jurisdiction and continuous operation (Weber, 1990: 38–41; Gill, 2003: 2; Pierson, 2004: 6; Hoffman and Graham, 2009: 14; Devetak *et al*. 2007: 122; Danziger, 2007: 115 – 118).

As previously stated, Weber (1990: 38) defined the state in terms of its'means' rather than its 'ends,' with the use of force being the most distinctive means. The state is defined in terms of its modus operandi rather than its function. As a result, Weber examined the state in terms of its organisation and deployment of coercive and physical force (Hay & Lister, 2006: 8). By emphasising a government's capacity to use force within its borders, Weber emphasised the empirical (de facto) rather than the juridical (de jure) characteristics of statehood. This view has contributed to the notion that Weber's sociological approach has long been appealing to political scientists. The same can be said for adherents of the failed state thesis, who have long viewed the state's capacity to use force as a critical indicator of its success (Weber, 1990: 38). Hoffman and Graham (2009: 14 – 15) referred to the latter as the 'force argument'. In

their definition, they included three perspectives. The first is the 'force argument', which refers to the state's monopoly of overwhelming force (already discussed in detail). In the 'centrality of will' perspective, it is argued that the state cannot be defined only in terms of force but that it must be seen as the realisation of morality. Therefore, the state is best defined as a system of rules that embody a system of rights. In the third perspective, the state is observed as a mixture of will and force. In this view, it is argued that the state does not have a basis or central attribute but that it is a mixture of both morality and force. Neither of the two can be regarded as more important than the other. Although juridical statehood is not totally neglected, Weber does not make an in-depth study of the true character of territorial jurisdiction, which lies within the area of specialisation of international law students. Within international law, the issue of territorial jurisdiction is regarded as an international legal condition rather than "a sociological given" (Hoffman and Graham, 2009: 14 – 15).

According to Max Weber, the state apparatus's decision-making capacity and functioning are measured in terms of its degree of independence from society. Additionally, the state's ruling capacity and legitimacy are measured by the degree to which it is rooted in society. Thus, ideal-type (or efficient) states are those that achieve a balance of well-developed bureaucratic internal organisation and strong public/private ties. Both of these elements must be present for the state to be successful. The Weberian definition, with its emphasis on state structure and organisation, has had a profound and lasting impact on social science research into the state. It has also had an influence on the failed state thesis, in which the ideal-type definition of the state is used to compare the degrees of deterioration in so-called failed states. Furthermore, "the advantage of Weber's approach consists in the fact that it postulates an ideal-type of state with a well-structured and rationalised bureaucratic apparatus" (Speiser and Handy, 2005: 9). Evans (1997: 62 – 87) emphasised the usefulness of this definition further, arguing that following a decade of renewed academic discussion, scholars have now widely agreed on several minimum functions that all states must adhere to.

The literature that deals with discussions of the state has literally thousands of definitions of the state. If one takes a 'sample' of only a few of these definitions, it becomes evident that

most of them share some or all of the characteristics of the state as identified by Weber. Scholars such as Heywood (1997: 84), Axford, Browning, Huggins, Rosamond and Turner (1997: 273), Du Plessis (2004: 2), Frost (1997: 15), Jackson and Jackson (1997: 34 – 35), Vincent (2004: 40), Rodee *et al.* (1976: 20 – 27), Solomon (2013: 225) as well as Speiser and Handy (2005: 9) all agree that the state is an abstract political unit or entity operating and functioning within a given territory but also possessing a legal persona, which implies that it naturally has rights and duties under international law (Solomon, 2013: 225). North (1981: 21) concurs, but adds that the state has a "comparative advantage in violence" over the geographical area it controls, the boundaries of which are determined by its ability to tax its population. The difficulty in agreement on an exact definition is further highlighted in Power's (2019: 176) explanation of the state as "a mythologised, contradictory and constantly challenged entity, a differentiated institutional realm that separates it from civil society". Regarding the legal persona of the state, Weber (1968: 670) argued that "to separate the powers of command at the disposal of the incumbent of an office from his private sphere, to vest these powers in the institution as such, and to imply that the exercise of these powers is subject to legal regulation – these are the concrete grounds for the emergence of the conception of the state as a legal person". It is also a form of political organisation that consists of governmental institutions capable of enforcing law and order over a given population within a given territory through their monopoly of overwhelming force, the enforcement of rules and laws (and, if necessary, coercion). Entities that meet all applicable international legal requirements for statehood are entitled to general rights, privileges, and immunities (Solomon, 2013: 225).

In the following discussion, emphasis is placed on the two most prominent approaches in the definition: the legal (juridical) and structural-functionalist (empirical) definitions of the state, which display strong adherence to Weber's own ideas about the state. In both constitutional and international law, these two approaches or definitions of the state are recognised. According to the 1933 Montevideo Convention (as a fundamental subject of international law), a state must possess the following characteristics: (a) a permanent population, (b) a defined territory, (c) a government, and (d) the capacity to engage in relations with other states (sovereignty) (Du Plessis, 2004: 3; Solomon, 2013: 225). Sovereignty and territory are

discussed as the primary components of the state's legal definition, while population and government are discussed as the primary components of the state's empirical definition.

2.3.1 Legal (Juridical) Definition of the State

The social scientific concept of the state is a fairly recent one and is based on the legal notion that the state is a territorially bound sovereign entity. Sovereignty is regarded as the defining feature of the state's legal conception. Sovereignty is defined as "the premise that each state has complete authority and is the ultimate source of law within its boundaries" (Danziger, 2007: 112 – 113). Furthermore, it is a unique legal status, possessed only by states, and instrumental in creating and modifying all other public international institutions (Solomon, 2013: 225). The concept 'sovereignty' emerged to explain the new political reality of a clearly demarcated territory in which the central authority enforced its power and influence over a population and whose boundaries could not be easily penetrated by external actors (Nnoli, 1986: 19). Therefore, sovereignty emphasised the autonomy and independence of a state to make and implement decisions within its territory without interference from other states. The doctrine of territorial integrity is inextricably linked to sovereignty, as it implies that a state has the right to resist and reject any aggression, invasion, or intervention within its territorial boundaries. However, the state's capacity and political power determine its ability to protect its territorial integrity. According to Jackson and Rosberg (1982: 12), the legal aspects encompass the juridical attributes of statehood. Jackson (1990) also described the latter as 'negative sovereignty' or freedom from outside interference.

Juridical statehood comprises normative and international characteristics, and "the juridical state is both a creature and a component of the international society of states, and its properties can only be defined in international terms" (Jackson and Rosberg, 1982: 12). International societies are defined as those comprised entirely of states and those formed by states. Individuals, private groups, and political organisations that are not considered states or are not composed of states are excluded from the latter.The doctrine of sovereignty forms the central principle of international society as it "provides legal protection for member states from any power, internal and external, that seek to intervene in, invade, encroach upon, or otherwise assault their sovereignty". A second goal that has recently become more relevant

(especially concerning the developing world) is the promotion of welfare and development among member states (Jackson and Rosberg, 1982: 13).

Territory and sovereignty are the most significant juridical attributes of statehood. International law stipulates that a demarcated territorial area is the property of a government or, in other words, the national real estate which includes offshore waters as well as airspace. Therefore, the international boundaries dividing states can be regarded as mutually acknowledged but the artificial line "where one state's property rights end and another's begin" (Brownlie, 1979: 73 – 76). States that acquire political independence are equal to any other independent state. Not only is it regarded as the highest authority a government can have within its territorial jurisdiction, but it also implies that no other external higher authority exists to which the state must be accountable. This privilege further entitles the state to enter into relations with other states and become a fully-fledged member of the international society of states. However, with globalisation, this 'traditionally' exclusive right that states were entitled to have come under serious threat (Brownlie, 1979: 73 – 76).

For Clarke *et al.* (2019: 54), the fact that Weber's definition requires that the state occupy a given territory distinguishes it from a nation. A nation can be regarded as a group of people that share a common language, religion or ethnicity but is not required to occupy a specific piece of territory as the state does. Jews have, for instance, for centuries functioned as a nation before the state of Israel was established in 1948. Although the concept of nation-state has since the 18th century become very prominent and embedded the idea that nations and states are almost synonymous, many "stateless nations" such as the Kurds in Iraq and other diasporic nations have become a persistent reality of current global affairs (Clarke *et al.* 2019: 54).

Therefore, the combination of territory and sovereignty constitute territorial jurisdiction and can be used to test whether a political system or entity qualifies to be a state. To illustrate this point, reference can be made to the former 'homelands' of Transkei, Bophuthatswana, Venda and Ciskei. These so-called homelands were given independence and acknowledged as states by the former apartheid government of South Africa. Although they all possessed the empirical attributes of statehood (and possessed territory and a permanent population),

the international community never recognised them as states simply because they did not possess any juridical attributes. Only the international community can bestow the judicial attributes of statehood on governments. In light of the political situation at the time, the Transkei could not be considered a state because South Africa did not have the authority to confer statehood on individuals. Lesotho, on the other hand, was recognised as a state as a result of the international community's acceptance and encouragement of British decolonization in Africa. This means that, while a state's jurisdiction and boundaries frequently appear to be natural phenomena that correspond to natural land forms, they are still regarded as political artefacts by the international community (Jackson and Rosberg, 1982: 13 – 16). The predicament of Somaliland, a territorial area in the north of greater Somalia that possesses all the empirical characteristics of a state, except juridical attributes, is discussed in more detail later in the study.

As a result, a state must possess both empirical and juridical characteristics of statehood in order to be recognised as such.It becomes clear that several states, especially in Africa, are actually not even supposed to be regarded as states (Jackson, 1990: 75 – 77; Jackson 1992: 1 - 16). Yet, they have been recognised by the international community as states, having the same rights and privileges as the United States and the United Kingdom, for instance. The question that needs to be asked is how this could have happened? For the answer, it is necessary to ponder the dynamics of world politics in the period that followed the Second World War. This state of affairs was possible as a result of the development of new normative regulations within the international system following the end of World War II. "These regulations developed because of the UN's prioritisation of the self-determination of colonial territories, ahead of concerns regarding the long- term political, material, economic and social viability of these territories as states" (Jackson, 1990: 85). Not only did a shift take place in moral reasoning, but significant changes also occurred in the international normative environment. As a result, colonial territories achieved independence in the name of self-determination, despite the fact that these populations and territories did not fit any conventional definition of state. This dilemma was exacerbated by the fact that the concept of self-determination had taken on a completely different meaning following the Second World War. Prior to World War II, the term'self' referred to a nation, which was defined by its political traditions and/or ethnic distinctiveness. However, following the war (and as a result

of the new normative regulations mentioned previously), the term 'self' came to refer to artificial ex-colonial jurisdictions, which frequently comprised numerous ethnic entities. Prior to World War II, determination referred to the existence and capacity of people to form their own constitutions and govern themselves as independent states. Following the war, new normative regulations ceased to view colonial peoples' (in)capacity to govern themselves as a legitimate reason to deny them independence and sovereign statehood. The tragedy was that the majority of colonial territories achieved independence in the name of national self-determination despite their populations not constituting nations (due to cultural diversity) and their inability to govern themselves (Jackson, 1990: 75 – 77).

In the following section, territory and sovereignty as juridical attributes of statehood are discussed. With juridical statehood now more clearly defined, it is necessary to further discuss territory and sovereignty as its two main attributes.

Ranney (1993: 18) asserted that all states occupy a specific geographical area. The state is referred to as a territorially defined association that includes everything and everyone within its borders. A state's jurisdiction is geographically defined in such a way that it encompasses everyone, whether citizens or non-citizens. The state (which is composed of various institutions) exercises control over a geographically defined territory, which is commonly referred to as a society. Furthermore, the state has absolute power over its territory, and it remains the most important prerequisite for international recognition of sovereignty. Territorial areas are different from one another in terms of two aspects. The first difference refers to size. A state such as the former Soviet Union occupied one-sixth of the earth's total surface whilst smaller states such as Monaco and Luxembourg occupy only a few hundred square kilometres. International Law determines that all independent states, regardless of how big or small they are, enjoy equal rights. The second difference refers to the geographical position of the territory. In this regard, a distinction could be made between island states (such as Japan, Britain and Australia), states that almost occupy whole continents (such as Russia and Canada) and states that form part of a peninsula (South Korea). Other factors to consider are whether a state has access to oceans or whether they are surrounded by other states, whether a state is protected by 'natural' obstacles such as mountain ranges, rivers, oceans or deserts and whether influential or aggressive neighbours surround the state. The

factors above play an important role in determining the state's economic, political and military policies. Historically island states such as Japan and Great Britain have always focused on the importance of a strong navy (because they are surrounded by oceans and thus vulnerable to attacks from the sea). Other more land bounded states such as Germany and France have focused on the importance of infantry and other ground forces (Bredenkamp, 1996; Gill, 2003: 5 – 6; Pierson, 2004: 9 – 11; Finer, 1970: 22; Heywood, 1997: 84 – 85; Hall, 2001: 878; Kousoulas, 1975: 4 – 5; Wiechers and Bredenkamp; 1996: 7; Rodee *et al.*, 1983: 29 – 30). The second important juridical attribute that a state must possess is sovereignty.

The word 'sovereign' has French origins. Sovereign means above or to be elevated above others. The term was used to refer to the king, but its meaning was changed by the French philosopher Jean Bodin (1962) during the 16th century. Bodin defined sovereignty as the source of a state's authority, regardless of the form of government. In International Law, sovereignty means that a state is recognised as an entity if its government exercises control over a community of people residing within a specific territorial area. The latter is referred to as internal sovereignty or, as Jackson (1990) described, 'negative' sovereignty. The state is recognised as a 'legal person/entity' within the international community through sovereignty. Internal sovereignty presupposes the absence of any authority superior to the state. As a result, citizens are powerless to appeal to any other authority against the state, as the state is supreme and its will cannot be overruled. Externally, sovereignty implies that other states acknowledge a state's authority within its borders and recognise the state's ability to represent its citizens in international affairs.The implication of this is that all states, no matter how big or small, strong or weak, have supreme legal authority over their own affairs and, in that respect, is fully equal to any other state. This acceptance of a state's sovereignty by other states is referred to as diplomatic recognition. This further implies that no other government or international organisation has the right to enforce its authority upon the government of a sovereign state or are allowed to intervene in such a state's affairs (external sovereignty) (Rodee *et al.* 1983: 35; Roskin *et al.* 1997: 30; Kousoulas, 1975: 5; Gill, 2003: 4 – 5; Pierson, 2004: 9 – 11; Nnoli, 1986: 19).

2.3.2 A Structural-Functional (Empirical) Definition of the State

Additionally, the state can be observed in terms of its primary organisational structures that function as the government and the primary functions that it is tasked with performing. In this context, the state can be defined as "the organised institutional machinery for making and carrying out political decisions and for enforcing the laws and rules of the government" (Danziger, 2007: 115 – 118). If the state is defined as the collection of institutions charged with upholding order and ensuring social stability, the central function of the state is invariably seen as the maintenance of social order. Associated with this is an organisational perspective that views the state as the apparatus of government in the broadest sense, or as the collection of institutions that are recognisably public and responsible for the collective organisation of social existence, but are also publicly funded. This approach establishes a distinct distinction between the state and civil society. The state is comprised of various government institutions, including the bureaucracy, military, police, courts, and social security system (Danzinger, 2007: 115 – 116; Heywood, 2007: 90).

As previously stated, empirical attributes of statehood are primarily concerned with state-society relations or the state's domestic dimension. Two critical empirical characteristics are specified: a permanent population (which is also closely associated with territory) implying a stable community, and an effective government with centralised administrative and legislative organs. When it comes to a permanent population, the emphasis is on the state's need for internal stability among its citizens. Societies are thus "seen as integrated or disunited, culturally homogeneous or fragmented – resting on common norms and values or not" (Brownlie, 1979: 75). If a stable community is defined as an integrated political community bound together by a common culture, it is self-evident that many African states lack this characteristic.The majority of states here are deeply divided internally amongst ethnic, language, religious and regional lines. Ethnic cleavages frequently reinforce one another and exacerbate divisions between groups. Different ethnic groups are frequently divided by international borders, with members of these groups dispersed across two or more countries. A case in point is the 1994'spillover' of ethnic violence between the Hutu and Tutsi groups in Rwanda and Burundi. By this criterion, it becomes clear that only a small number of African states qualify as stable communities (Brownlie, 1979: 75). The first important empirical attribute of statehood that needs to be discussed is population.

A population or citizenry is a group or society composed of numerous individuals who inhabit a specific territory and who, through constant interaction, share the same fundamental values within a political system. The citizenry is united by consensus or agreement to achieve mutual goals. The ideal of any state is to achieve unity, cohesion, consensus, and a feeling of nationhood to function effectively. However, this ideal is often unrealistic, if not impossible, as most of today's states are no longer homogeneous but rather consist of populations with diverse cultures, languages, and religions. Citizens are distinguished from aliens (often also referred to as illegal aliens) as they possess "the legal status of being a full member of a particular nation. Aliens, on the other hand, are neither a citizen nor a national of the nation in which he or she is present" (Ranney, 1990: 444; Bredenkamp, 1996: 98; Finer, 1970: 22 – 24; Stevenson, 1973: 11 – 12; Roskin *et al.*, 1997: 29; Kousoulas, 1975: 4).

The citizenry of the state forms its own civil culture and civil society. When civil society in the African state is discussed, it becomes problematic since the concept is understood differently from a Western perspective than from an African perspective. From a Western perspective, the contemporary discussions of civil society have focused on the concept 'civil', prominently used in the 19th and early 20th centuries to refer to civilisation and civility. It was further argued that 'civil society' gave the state its form and impetus. However, the situation often looks different in African civil societies, such as those living in the former South-African homelands of Lebowa and Gazankulu. Since South Africa became a democratic state in 1994, very little funding was allocated to local government authorities. Maintaining order remained in the hands of family and kin groups, traditional authorities and the Zionist Christian Church (ZCC). From a Western perspective, little of this would count as civil society if the latter is defined only in terms of its relations to state institutions or civil society as a resistance to the state or as a mediator between the state and the state citizenry. Additionally, from a Western perspective, the development of civil society in eighteenth-century Europe was a result of a dramatic increase in the state's fiscal extraction.

In contrast, the situation in many African societies is often characterised by the absence of fiscal extraction in the form of taxes and the delivery of essential services by the state. Does

the argument then become whether it is possible to refer to such a reality as 'civil society' when there is a disconnect with government institutions? The citizenry forms the "human" element of such a state. The citizens' attitude towards performing their obligations to the state (e.g., paying taxes, military service) contributes to forming a civil culture. The state system is rooted in nationalism, which Ranney (1990: 445) defined as "the psychological attachment to a particular nation, based upon a common history, common language and literature, common culture, and a desire for political independence". For many of the world's inhabitants (especially those in long-established states), the feeling of loyalty and nationalism towards their states are even stronger than those towards their churches, social classes, races or even families (Wiechers and Bredenkamp, 1996: 8 – 9; Ranney, 1990: 445). The second critical empirical characteristic of statehood is an effective government composed of centralised administrative and legislative organs.

The state can be viewed as an organisation consisting of many institutions and agencies that have to be coordinated and lead by its leadership (executive). This organisation is referred to as government. According to Van Creveld (1999: 415), there are emphatic differences between government and the state as "the former is a person or group which makes peace, wages war, enacts laws, exercises justice, raises revenues, determines the currency, and looks after internal security on behalf of society as a whole, all the while attempting to provide a focus for people's loyalty and, perhaps, a modicum of welfare as well. The latter is merely one of the forms which, historically speaking, the organisation of government has assumed, and which, accordingly, need not be considered eternal and self-evident any more than were previous ones". The government is usually composed of executive, legislative and judicial authorities with several supportive agencies such as the bureaucracy, police force and military. The term government is often used in two related but distinct senses. On the one hand, it refers to a particular collection of people, each with their own faults, shortcomings and virtues, who perform certain functions in a particular society at a particular time. On the other hand, it refers to a set of institutions, a series of accepted and regular procedures for performing those functions. These procedures persist over time regardless of who happens to be performing them. Both senses are incorporated when government is defined as "the body of people and institutions that make and enforce laws for a society" (Ranney, 1993: 5).

In this regard, Weber (1968: 56, 652, 904) is adamant that the state must be more than a monopoly of force; it must be inextricably linked to an objective system of meaning, or what he refers to as a 'rational legal order.' A critical aspect of Weberian's state definition is that political rule cannot be ascribed to the government's political institutions. The right to command is decoupled from the individual and incorporated into the political association as an impersonal entity or office. As a result, such an office holder serves as a trustee of the impersonal and compulsory association, enforcing his authority and command powers on behalf of the state (Weber, 1958c: 295; Weber, 1958: 670).

Laws can also be described as binding norms that put restraints on the state's actions or the power of command (Weber, 1968: 652). Through the use of its authoritative laws government can control society and guide it in a particular direction. By implementing certain legislation, government provides its citizens with a code of conduct. The law can be regarded as the sum total of compulsory regulations issued by government to control society. The state consists of several conflicting groups, all striving to attain their own goals. Therefore, government officials must reach compromises with these conflicting groups to reach possible solutions to their problems. The government must also enjoy the support and cohesion of the population to rule legitimately. The latter implies that the citizenry must accept the government's authority to rule. These measures usually come into being through a set of laws within the judicial system. The law can be regarded as the means through which government controls society and determines the direction in which it goes. By implementing laws, government is actually providing its citizens with a code of conduct. In this regard, the law can be viewed as compulsory regulations that a government issues to control society. Therefore, the law is compulsory in nature, and those not adhering to its prescriptions must face the consequences (Bredenkamp, 1996: 98; Ranney, 1993: 5; Stevenson, 1973: 12 - 13). Additionally, the state's actions can be constrained by a separation of powers, which encompasses not only norms (laws), but also specific social relationships and groups and the ways in which their functions constrain authority. One 'imperium' (commanding power) has the potential to clash with another, and the extent of one's authority limits the extent of the other's authority (Weber, 1968: 652).

Centralised government institutions must be capable of exercising control over the state's territory and the citizens who live and work within it. A government in control possesses the capacity and ability to enact, implement, and enforce laws, regulations, and policies. In terms of control capacity, a government's 'means' are determined by its domestic legitimacy (right to govern) and power to govern. Concerning administration, it is expected of a government to delegate authority when regulations are issued but to also have the power to enforce them. On the contrary, governments often possess legitimacy (in the eyes of their citizenry) but lack an effective apparatus of power, whilst others possess a power apparatus with little legitimacy (Brownlie, 1979: 75). With specific reference to government, Weber (1968: 652) argues that the following criteria essentially characterise the modern state: "it is a consociation of bearers of certain defined imperia; these bearers are selected according to rationally enacted rules; these imperia are delimitated from each other by general rules of separation of powers; and internally each of them finds the legitimacy of its power of command defined by set rules of limitation of powers" (Weber, 1968: 652).

From the fragile state discourse's perspective, it is critical for a state to possess positive sovereignty, which is most closely associated with Robert Jackson's (1990) ideas, as discussed previously, and serves as the primary point of departure for the Weberian ideal-type state. Positive sovereignty, in this context, refers to the capabilities that a state must possess in order to be its own master, a position in which it enjoys non-intervention rights and other international immunities, as well as the ability to provide political goods to its citizens. Additionally, such a government can form defence alliances and other forms of cooperation in international commerce and finance. From this vantage point, the successful state enjoys international legal or 'de jure' recognition, the ability to project and protect its authority across its entire territory, and the capacity to collaborate with other states. This capacity of government and state organs to exercise authority and engage in international relations with other states entitles them to acquire 'de facto' statehood, distinguishing them from states with only negative sovereignty (Jackson, 1990: 29). It is critical at this point in the discussion to refer to Max Weber's authoritative definition of the state, which places a premium on government institutions and their organisation. The exercise of power is a critical component of it.

Numerous characteristics and functions inherent in the state can be identified by adhering to the Weberian definition. These include territoriality, sovereignty, constitutionality, impersonal power, and the 'rule of law,' as well as the public bureaucracy, authority and legitimacy, state capacity, and citizenship. Two additional features, namely democracy and good governance, that do not explicitly form part of the Weberian definition, but has become standard practice in current liberal democratic states, are also discussed. These features comprise the essential ingredients of the Weberian ideal-type state that the fragile state discourse adheres to as the blueprint against which all other states falling outside of these parameters are measured. Territoriality, sovereignty, and citizenry will not receive attention in this section as it has already been discussed under the state's legal definition. The state's ability to maintain a monopoly of overwhelming force must, however, receive attention.

Earlier in the discussion, it was emphasised that Weber defined the state by emphasising the monopoly over the legitimate use of force (Ghani and Lockhart, 2008: 128). To avoid unnecessary repetition, the discussion here concentrates on the practical application of Weber's concept of a 'monopoly' toward society, emphasising it as the state's primary function. The state, by virtue of its monopoly on the legitimate use of force, possesses a preponderance of coercion within society. The latter is institutionalised in the armed forces, police, and paramilitary forces and is critical for state control. It is available to defend the state's legitimacy if it is questioned and to ensure that law and order are maintained when they are violated. In other words, the state employs its military and police forces to resolve local conflicts, disarm potential violent actors within its jurisdiction, and safeguard its borders against possible attacks or illegal aliens. To accomplish these tasks, the state requires a well-organized administrative apparatus capable of controlling and managing resources. The state's capacity to enforce its authority by providing security and protection to its citizens within its borders demonstrates a guaranteed monopoly of violence (Gill, 2003: 5; Pierson, 2004: 6 – 9; Speiser and Handy, 2005: 10; Finer, 1970: 22 – 24). A state's laws must be firmly rooted in its constitution in order to safeguard citizens' rights and hold government actions accountable for not abusing its monopolistic powers.

Much of the recent discourse about modern states have emphasised the importance of constitutions and constitutionality. For Weber (1958c: 299), "the modern constitutional state

represents a gigantic historical experiment in transforming the brute facticity of force, inherent in political rule, into a normatively founded and regulated relationship of domination where the legitimacy of authority rests upon the legality of general rule". Constitutions are frequently referred to as the fundamental 'rules of the game' governing the political process. Constitutions typically establish 'the laws governing the making of laws' and are frequently portrayed as actually creating and securing the state. When Weber refers to "an administrative and legal order subject to change by legislation," he is referring to a critical component of the modern state's concept of constitutionality (Weber, 1958c: 299). In this regard, the majority of modern states do exercise a form of power that is, at the very least formally, public, rule-governed, and reformable. The absolute supremacy of the constitution over any other office, government institutions or ordinary laws is emphasised here. A constitution controls and delegates the rules, powers, processes and duties of government officials. Barber (1995: 3) argues that government officials must only be allowed to exercise powers and fulfil functions prescribed by the constitution. When a state's constitution is effective, it can place restrictions on the actions of government (Plano & Olton, 1988: 70). The latter is described by Hague and Harrop (2007: 186) as government by law. "It places limits on the scope of government, sets out individual rights and creates opportunities for redress should the government exceed its authority". Therefore, the doctrine of constitutionalism determines that government's authority must be limited to such an extent that government officials and individuals are unable to infringe upon the basic human rights that all citizens are entitled to (Pierson, 2004: 14; Schwella, 2008: Internet). The idea that a constitutional order implies 'not the rule of men, but the rule of law' is inextricably linked to the concept of 'constitutionality'.

Within such a constitutional order, those exercising state power must ensure that their actions or decisions are also lawful, constitutional, and subject to publicly recognised procedures. Thus, in a law-governed system, politicians should be bound by the constitutional order and the very laws they helped create and enforce. Thus, the principle of lawfulness and legality pertains to state activity modes. Keeping this in mind, the state is viewed as an impersonal power comprised of politicians and civil servants serving as temporary occupants of specific public positions (Gill, 2003: 7; Pierson, 2004: 15).

The 'rule of law' is the most basic constitutional principle of any 'true' democracy. It serves as a 'glue' that holds all facets of the state, economy, and society together. (Ghani and Lockhart, 2008: 125). According to Efebeh (2015: 73), the rule of law is "a principle that seeks to curb powers of government by insisting that governance should be in accordance with the laws of the land rather than the arbitrary whims of political officeholders. The rule of law realises the constraint of reasonableness by treating all equally as full members of the community without discrimination". It refers to equality before the law and specifically equal submissiveness and respect of all social classes to the ordinary laws of the state that ordinary courts administer. Thus, the principle establishes that all citizens are equal before the law and are entitled to equal rights regardless of their race, gender, status, culture, or religion (Piana, 2011: 2335; Ghani and Lockhart, 2008: 125). Piana (2011: 2340 – 2341) further argues that the rule of law is composed of a combination of five dimensions. Firstly, it is founded on a civil order that includes a range of personal freedoms, personal security, the right to own property, low crime rates and social conflict, as well as the existence of culture legality. Secondly, the rule of law must be maintained by an independent judiciary functioning within the modern justice system. Thirdly, the socio-political structures further need to possess the capacity to formulate and enforce the law. These would include government institutions such as the legislative and executive branches tasked to produce and implement high-quality legislation. Fourthly, state agencies must not make themselves guilty of corruption and other abuses of power. Lastly, the rule of law must be characterised by security forces that respect citizen's rights and are under civilian control.

Therefore, the rule of law determines: all other laws and actions by the government must adhere to the prescriptions of the constitution, implying that all laws and actions by the government not complying with the prescriptions of the constitution will not be regarded as *ultra vires*, that the government's executive institutions must be prevented from making indiscriminate decisions or enforcing their authority coercively, and that the courts must function independently from the executive and legislative government institutions, allowing judges and magistrates to act as guardians, ensuring that the rights and freedoms of individuals are respected. This implies that rules are enacted by a "limited government" that operates within the confines of the same rules (supremacy of rules over the rules of men).

Due to the complexity of the tasks that a state must perform, internal mechanisms are required to monitor each branch of government. This necessitates systematic checks and balances between the legislative, executive, and judicial branches in order to foster and sustain trust in the governance system. Both the principles of constitutionality and the 'rule of law' can be regarded as the foundation on which the 'regstaat' (in Afrikaans) or 'legal state' are constructed (Schwella, 2008: 2; Gildenhuys & Knipe, 2000: 93; Plano and Olton, 1988: 73 - 74). In Weber's definition of the state, a bureaucratic administrative structure was essential for its effective functioning.

Weber (1978: 956 – 963) firmly believed that the expansion of modern societies' bureaucratic structures was inevitable. The only way to deal with the administrative requirements of large-scale social systems was through effective bureaucratic structures and authority. Although traditional societies had a limited number of bureaucratic structures, it was only in modern times that they reached their full potential. In order to understand the structure and dynamics of modern bureaucracies, Weber (1978: 956 – 963) developed an ideal-type, listing the characteristics of a modern bureaucracy. Within such an organisation, there is a well-defined hierarchy of authority – or an efficient process for allocating tasks as official duties. The organisational structure resembles a pyramid, with the highest positions of authority at the top. As a result, the so-called chain of command extends from top to bottom, allowing for coordinated decision-making because each higher office controls and supervises the actions of the lower office in the hierarchy. Second, written rules govern the conduct of all officials at all levels of the organisation. This means that the higher the office, the more the rules tend to encompass a broader range of issues, necessitating greater interpretive flexibility. Thirdly, officials within the organisation are appointed on a permanent basis, with each appointment receiving a fixed salary. Additionally, each official is expected to develop a career within the organisation, and advancement is determined by capability, seniority, or a combination of the two. Fourthly, there is a distinct distinction between the tasks assigned to officials within the organisation and life outside. As a result, the official's private life is distinct and distinct from his professional activities. Fifthly, officials within the bureaucratic structure do not possess the material resources with which they conduct business. As a result, bureaucracy robs them of control over their means of production (Weber, 1978: 956 – 963).

Although Weber expressed reservations about the depersonalising and inhumane potential of modern bureaucracies, he believed that they were an extremely effective method of organising large groups of people for a variety of reasons. While bureaucratic procedures stifled initiative, they ensured that decisions were made based on broad criteria rather than on ad hoc basis. Furthermore, officials are trained in their specific fields to become experts, ensuring overall levels of competence. Corruption and unethical behaviour were limited to a certain extent because official posts are full-time, and officials are paid a permanent salary. The fact that official's positions are judged by examinations and other public means also reduces the risk of obtaining such positions through personal favour or kinship connections. Weber was adamant that the more closely an organisation adheres to ideal-type characteristics, the more effective it becomes in pursuing the objectives for which it was founded. However, bureaucracies could also get entangled in 'red tape' problems, acknowledging that certain posts within the organisation could be dull and offered little opportunity for officials to develop their creativity (Weber, 1978: 956 – 963; Weber, 1946: 196 – 198; Gill, 2003: 3; Pierson, 2004: 17 – 18).

Authority and legitimacy are central issues in discussing the modern state. Although the state possesses the legitimate right to coerce, few states have actually survived by just taking coercive measures. One of the fundamental requirements of a stable state is that, for whatever reason, the majority of people will accept its rule. In other words, authority and legitimacy imply that, under normal circumstances and for the majority of the population, the state's actions and demands will be accepted, if not actively opposed (Pierson, 2004: 17 – 18). In return for its citizen's acceptance of its legitimate rule, a state must possess the capacity to protect its citizens and provide essential services.

States must be endowed with capacity and capability. The state and society share a strong social, political, and economic bond. The state can enforce its laws and has a social responsibility to ensure that its laws are in the public's interest and common good. It also needs to be remembered that the citizens sanction the state's authority because they expect the state to deliver essential political goods. In return for the sanctioned authority and derived income (usually in the form of income taxes), an ideal-type state must provide

security to its citizens against political and criminal violence, ensure civil liberties and human rights are guaranteed and create environments in which economic freedom and opportunities can be established (Cone and Solomon, 2004: 53 – 54; Rotberg, 2003a: 2 – 4). Ghani and Lockhart (2008: 147) added that "adequate transportation, power, water, communications and pipelines all underlie the state's ability to provide security, administration, investment in human capital and the necessary conditions for a strong market economy". In this regard, good governance has become a central requirement for states to be seen as 'strong' or 'ideal'. The performance of a state, or the extent to which it delivers political, economic, and social goods, is typically quantified using standard indicators such as per capita GDP, the United Nations Development Index, Transparency International's Corruption Perception Index, and Freedom House's Freedom in the World Report. Normally, the degree of sociopolitical cohesion within states would affect the degree of deterioration experienced relative to the 'ideal' in strong states. In this regard, Jackson (2002: 38) added that there "is a direct correlation between socio-political cohesion and consolidated, participatory democracies, strong national identities as well as productive and highly developed economies".

When communism collapsed at the end of the 1980s, humanity entered into a world order in which emphasis was placed on developing and spreading democracy as the preferred system of rule. In a speech before the General Assembly of the United Nations on 8 October 1990, the then President of the United States, George Bush, referred to this 'New World Order' as "a vision of a new partnership of nations that transcends the Cold War. A partnership based on consultation, cooperation, and collective action, especially through international and regional organisations. A partnership united by principle and the rule of law and supported by an equitable sharing of both cost and commitment. A partnership whose goals are to increase democracy, increase prosperity, increase the peace, and reduce arms" (Kissinger, 1994: 804 - 805; Olson, 1993). The American political scientist Francis Fukuyama (1989: 3 - 18) emphasised the concept of a universal democratic spirit in a divisive article titled *The End of History*. Here, Fukuyama (1989) argued "that liberal democracy is the final stage in the ideological evolution of mankind". According to him, "liberal democracy and a free-market economic system defeated all its rivals and would eventually become the preferred system of government. This idea was complimented by an unprecedented wave of democratisation

that swept across the world after the collapse of communism" (Fukuyama, 1989). Several states in Eastern Europe and the independent states of the former Soviet Union (all of which were previously communist) as well as several states in Africa chose the democratic path. Although the Fukuyama-thesis has since been disputed and criticised, it seems as if democratic values have become the universal norm. Apart from 'pockets of resistance' such as Cuba and China, dispensations in the Middle East (excluding Israel) and many stubborn authoritarian regimes, most states in the world have accepted democracy as the preferred governing system. The latter situation has recently been confirmed by democratic impulses in states such as Tunisia and Egypt by what is now referred to as the 'Arab spring'. In December 2010, a man in Tunisia committed suicide by setting himself alight. What ensued was an unprecedented wave of pro-democracy demonstrations across North Africa and the Middle East (Blight, Pulham and Torpey, 2012: Internet).

The term democracy is derived from the French word démocratie, which dates all the way back to the sixteenth century. However, the term's original meaning (demo kratia) dates all the way back to ancient Greece. The first part of the word (*demos*) refers to people, and the second part (*kratos*) to government. Democracy, therefore, literary, means government by the people (Isaacs, 2019: 274 – 275). Efebeh (2015: 73) argues that no universally accepted definition of democracy exists. Statesmen, scholars and analysts have pursued different vantage points to understand democracy as either a form of government, a way of life or an attitude of the mind. Most scholars would agree that politically, at least, democracy is the way society is organised. For a democracy to exist, it needs to adhere to five basic elements: the sovereignty of the people, respect for human life, equality, the rule of law, and individual freedom. Democratic equality refers to the popular slogan "one man, one vote" regardless of an individual's wealth, social status, religion or ethnic background. The latter further guarantees equal rights and opportunities for all citizens to hold public office. Adherents to the rule of law in this democratic setting allow for the recognition and respect for the dignity and worth of fellow human beings.

Democracy is a method of making political decisions in which individuals from the entire population elect representatives to form a government that is legally entitled to rule and

make binding decisions for the entire population through a process of competitive struggle (voting).The government has a responsibility towards those who voted them into power and those who did not. Democracy involved civil and political liberties such as freedom of speech, freedom of the press and the right to organise public meetings (Schumpeter, 1947: 269; Huntington, 1991: 7; Vanhanen, 1997: 31; Dahl, 1971: 3; Wiechers, 1996: 169 – 171).

A democratic state further assumes basic structural forms. The most important of these is the need for a separation of state power and subjecting the executive and legislature to checks and balances. Limits on fundamental rights and freedoms normally justified within a democratic state must act to protect such a democratic state (Wiechers, 1996: 169 – 171). The following discussion attempts to explain the intricate relationship between democracy and good governance and how they postulate some of the most important requirements that failed states have to adhere to.

In his views on modern democracy, Weber (1978: 967 – 980) argued that participatory (direct) democracy was impossible as a means of regular government in large-scale societies because it would be impossible for millions of people to meet regularly to make political decisions. Participatory democracies could only function in small organisations with simple and straightforward tasks. When difficult decisions had to be made, specialised knowledge and decision-making abilities were required. Experts were required to perform their duties continuously, as it is impossible to regularly replace their expertise with people who have only a passing familiarity with procedures. Although higher officials responsible for overall policy decisions are elected on a regular basis, it was critical that a body of full-time bureaucrats exist to run the country effectively. The development of mass citizenship, which is inextricably linked to democratic participation and places a premium on welfare, health, and education, necessitates the establishment of a permanent large-scale administrative system.

Weber (1978: 971) argued that a representative multi-party democracy helps protect society from both political leaders' arbitrary decision-making and bureaucrats' complete appropriation of power. Two conditions must be met in order for democratic systems to function effectively. To begin, parties must represent distinct interests and worldviews. This

means that when competing parties' policies are more or less identical, voters are deprived of an effective choice. A one-party system, he believes, can never be truly democratic. Second, political leaders must possess the imagination and stamina necessary to transcend bureaucracy's monotony. The importance of leadership in democratic systems is emphasised in this passage, which is motivated by his preference for what is referred to as democratic elitism. According to Weber (1978: 971), elite rule is inevitable, and the best one can hope for is that those elites effectively represent our interests in novel ways. According to him, the value of a multi-party democracy is more in the quality of leadership it fosters than in the mass participation in politics that it enables. The principle of good governance is deeply ingrained in democratic ideals.

With the fall of the Berlin wall, many Western scholars believed that history came to an end. The search for the best form of political and economic organisation ended when Western values triumphed over communism. After the collapse of communism, the world suddenly became more susceptible to the triumphant Western alternatives for political and economic ordination. At the same time, many African states lost their immunity against external criticism of their often appalling human rights records. After the Cold War, Western states no longer had any reasons to conveniently ignore these human rights violations. It was now expected, even demanded, of African states to adhere to the standards of government followed in the West. The concept good governance was added to the vocabulary of development politics by the World Bank in the 1980s. It became common practise for institutions such as the World Bank (WB), the International Monetary Fund (IMF), multilateral organisations such as the European Union (EU), and other Western states that provided large-scale foreign assistance to require receiver states to adhere to the principle of good governance prior to receiving additional assistance. In a study by the World Bank in 1989, it was determined that the reasons for the failure of the bank's structural adjustment programmes could be ascribed to a political factor, namely poor governance. As a result, World Bank delegates proposed good governance as a minimum set of governmental characteristics in 1991. (Geldenhuys, 2003: 68; Van Vuuren, 1996: 41).

The United Nations Development Programme "has pinpointed a number of 'subjective' and 'objective' indicators of governance. The former group includes civil liberties, political rights, press freedom, levels of violence and political stability, law and order, rule of law, government effectiveness, and perceptions of graft and corruption. The latter involves political participation, the number and role of nongovernmental organisations (NGOs), freedom of association and collective bargaining, and the ratification of international conventions on civil and political rights" (Mills, 2002: 74). Good governance has thus become an important requirement for development co-operation, and assistance in that aid-receiving countries need to commit themselves to an accountable government and democracy. It is viewed as much more than just promoting liberal economic policies but further entails political conditionalities such as democratisation, multi-party systems and free election.

The above discussion has attempted to provide a broad sweep of the influence of Max Weber in defining an ideal-typical view of the state. This view has been influential within the fragile state discourse and within the development and security fraternities. This ideal-typical approach to the state against which different degrees of state failure are measured can be fittingly summarised in how Weber (1968: 56) identified the state, namely with the following characteristics:

(a) "The claim to the monopoly of the legitimate use of physical force within a given territory;

(b) Centralisation of the material and the ideal means of rule;

(c) Planned distribution of the powers of command among various "organs" (a rational constitution);

(d) An administrative and legal order which claim binding authority not only over members of the state, the citizens but to a large extent over all actions taking place within its area of jurisdiction;

(e) Subjection to change of this order through "legislation" (*Satzung*);

(f) Organised activities orientated to the enforcement and realisation of this order (an administrative staff);

(g) Regulation of the competition for political offices and selection of the bearers of rulership according to established rules" (Weber, 1968: 56).

Rotberg (2003a: 2 - 3) illustrates the definition's influence and application very effectively when he argues that states succeed or fail in terms of their effectiveness in delivering the most critical political goods. This is how a strong state is distinguished from a weak one. To him, political goods are "those intangible and hard to quantify claims that citizens once made on sovereigns and now make on states. They encompass expectations, conceivably obligations, inform the local political culture, and together give content to the social contract between ruler and ruled that is at the core of regime/government and citizenry interactions" (Rotberg, 2003a: 2 - 3). There is a hierarchy of political goods, with the ability of the state to provide security being the most important. The latter includes preventing cross-border invasions and infiltrations as well as domestic threats to national order. Additionally, the state is responsible for preventing crime from posing a threat to domestic human security, allowing citizens to resolve disputes with the state or their fellow citizens without resorting to violence. Once the state has ensured that reasonable levels of security are maintained, the delivery of other political goods becomes possible. A second critical political good is the state's ability to resolve disputes through codes and procedures manifested in the rule of law, property security, and an effective judicial system. Thirdly, the state must enable citizens to participate in politics and the political process freely, openly, and fully. Among these liberties are the right to run for office, tolerance for dissent and difference, and civil and human rights. A fourth critical political good that citizens expect is the provision of infrastructure and services such as medical and health care, roads, railways, and ports, as well as a money and banking system supervised by a central bank. These political goods serve as the yardstick by which states are classified as strong, weak, or failed (Rotberg, 2003a: 3 – 4). Another influential scholar who personified the state's Weberian definition within the fragile state parameter is Joel S. Migdal. Under the influence of, and elaborating on this Weberian definition, Migdal (1988: 19) defined what he called a 'strong state' (also interpreted as an ideal-type state within this body of literature) as "an organisation composed of various agencies led and coordinated by the state's leadership (executive authority) that has the ability or authority to make and implement the binding rules for all the people as well as the parameters of rule-

making for other social organisations in a given territory, using force if necessary to have its way". Migdal (1988) defined the capabilities that a state should possess and contrasted them with Third World states. According to him, a state's capabilities include the ability to penetrate society, regulate social relations, extract resources, and utilise and distribute these resources effectively.In Migdal's (1988) view, "strong states possessed high capabilities to complete these tasks, while weak states were placed on the low end of the spectrum of capabilities". Successful and strong states, or, as he puts it,'real' states, vary significantly in their conformity to this ideal-type definition. No state, not even 'strong states' such as the United Kingdom, exactly fit this bill (Migdal, 1988: 19 – 20). Even the United Kingdom struggles to secure the loyalty of the Northern Irish, Welsh, and Scotts, the latter making increasing demands for self-determination.

Power (2019: 179) believes that the debate about the state in Africa, especially from the perspective of the Weberian definition thereof, remains a highly contested domain. This is particularly true when questions about the 'place' of the African state in Africa is asked. The discourse often laments the perceived inability to 'fit' IRs theoretical constructs into African realities. The African state is often perceived as nothing more than "public facades behind which power operates through clientelist networks" (Bayart, 1993). Other views label African states as violent and corrupt entities shaped by external interventions and resources and only fulfil a marginal role in the international economic and political order. These notions are further strengthened by views that African states are governed according to a patrimonial logic that makes them vulnerable to clientelism, corruption and economic stagnation while blurring the line between party and state. Scholars such as Jackson and Rosberg (1982) have further characterised some African states as "quasi-states" because of their absence of empirical (*de facto* ability to exercise sovereignty) components of statehood while only enjoying juridical (*de jure* recognition) from other states.

Additionally, Englebert (1997: 767) argued that the contemporary Sub-Saharan African state is neither African nor a state by Weberian standards. It evolved from arbitrary colonial administrative units established for the purpose of dominating, oppressing, and exploiting. Many of these states were adapted, transformed, and endogenized in the decades following independence. Nonetheless, its origins are European, not African, as it is based on the

relationships between groups and individuals in African societies, rather than on the relationships between groups and individuals in African societies. Furthermore, it is not a state in the Weberian sense.Most African states fail to meet the criteria of having a monopoly of the legitimate use of physical force within a given territory, and "few would argue that, in many respects, most African states fail to meet these criteria: Theirs is a dubious community of heterogeneous and occasionally clashing linguistic, religious and ethnic identities; their claim to force is rarely effective and much less monopolistic; their frequent predatory nature fails the test of legitimacy; and their territoriality is generally at best hesitant and contested" (Englebert, 1997: 767).

2.4   CONCLUSION

The main purpose of this chapter was to provide a conceptualisation of the Weberian understanding of the state as reflected in the fragile state discourse. The Weberian definition has been important in terms of how the purpose and function of the state should be understood. It also plays a key role in how the fragile state discourse utilises its ideal-type characteristics against which conditions and degrees of deterioration in fragile states are measured. This chapter attempted to highlight the valuable contribution of Max Weber towards our understanding of the state but also how his characteristics of the state found relevance in the contributions of fragile state scholars.

Special emphasis was placed on Weber's idea of legitimate domination as the cornerstone on which his whole perception of the state rests. Attention was further given to how his ideas have found relevance within the Montevideo Conventions definition of the modern state, with specific reference to the legal and empirical definitions of the state. From these two definitions, several characteristics of the Weberian approach to the state were identified. These characteristics form the key requirements of how a state is supposed to look from a fragile state discourse perspective and what states deviating from these characteristics have to strive towards to be regarded as 'strong states'.

With the conceptual foundation of the features and characteristics of an ideal-typical state laid down, the focus of the following chapter shifts to a conceptualisation of the fragile state

discourse. Attention is given to definitions of this phenomenon and how the discourse has developed different classification systems to measure the degrees of deterioration of weak, failed or collapsed states against the characteristics of the ideal-typical state that has just been discussed.

CHAPTER 3: A CONCEPTUALISATION OF THE FRAGILE STATE DISCOURSE

3.1   INTRODUCTION

In the previous chapter, the focus was on discussing the features and characteristics of an ideal-type state. This study used the ideal-type state as the standard (yardstick) against which the degrees of deterioration in failed states is measured. As the name suggests, an ideal-type state is just that, an ideal to which all democratic states aspire. Even model democracies such as the USA and Great Britain would struggle to meet all the criteria set by such an ideal state. However, in terms of state capacity, a country such as Somalia would be in a much more unlikely position to control its territory and provide public goods to its citizens than the United States. Saikal (2000: 40) argued that in an 'ideal type state' "the relative strength of such a state can be measured by the degree to which it is characterised by the rule of law, tolerant pluralism and a vigorous civil society, as well as by the extent to which the state has the capacity to deliver services and to cope effectively with pressure from above and below".

Gros (1996: 456) added that the state could, in Weberian terms, be regarded as "a territorial entity ruled by an authority that has a monopoly over the legitimate means of violence and that is recognised (or at the very least tolerated) by members of the polity and the larger international community". According to this definition, a state's territory, polity and authority are backed by the monopolistic control of the legitimate means of coercion. Such a state is usually able to adhere successfully to the principles of good governance, a democratic system of government is used, and the government is able to provide necessary services and protection to its population. Since Max Weber (1952) formulated his authoritative definition of the state about 70 years ago, the state has also been expected to fulfil several other functions, including firefighting, postal delivery, construction and even the delivery of electricity and telephone services (Rotberg, 2002a). The state is also viewed as a protector of the environment and natural resources at the moment. The rise of the welfare state in the 1920s and 1930s altered the public sector's responsibilities dramatically, shifting from authoritative monopolistic control over a specific territorial area and service delivery to environmental protection and wealth redistribution to the poor. In conclusion, the activities

of the state "may be broadly subsumed under the following categories: extractive, protective/regulatory and distributive" (Gros, 1996: 456).

In contrast to the features and characteristics of the ideal-type state, the phenomenon of state failure must be regarded as some sort of anti-thesis. Regarding state failure, focus can be placed on several states that control their territories, protect their citizens and deliver public goods, and experience different degrees of deterioration. Therefore, it is necessary to further classify these states in terms of the degree of deterioration they experience. Attention is be given to such a classification model later in the chapter.

During the mid-1990s, the failed state was recognised as a distinct political phenomenon, a relic of the changing dynamics of international politics brought about by the Cold War's end. Using Weberian's definition of the state as a guide, failure was defined as a loss of territorial control, a loss of a monopoly of violence, a loss of governing capacity, and a loss of authority. These factors, however, do not provide an explanation for why state failure has gained prominence. One of the proposed explanations is that it was defined by a watershed historical event (the end of the Cold War) and other events that appeared to harken back to a previous dark age (e.g., genocide, ethnic wars, and state disintegration) (Taylor, 2013: 11).

This chapter aims to conceptualise the fragile state thesis, a discourse that has become very influential but also controversial over the last few decades. Within both the development and security fraternities, fragile states are identified as a major issue of concern and, from a democratisation perspective, observed as a threat to good governance, the rule of law and safeguarding of human rights. But it is also methodologically flawed and has created much confusion with different terms that it has created to describe what it perceives as weak, failed, failing or collapsed states. Therefore, the chapter must also attempt to untangle this conceptual mess and make sense of a discourse that has so much influence, despite these flaws. As the fragile state discourse is experiencing severe criticism, especially from those in the developing world and other sceptics, it is necessary to unpack this concept regarding how different states are classified by varying degrees of failure when measured against the proposed ideal-typical state. Especially regarding the study's main aim to investigate

alternatives to the modus operandi of the fragile state discourse, the different levels of criticism against the fragile state discourse needs to be scrutinised.

The chapter commences by tracing the roots of the fragile state discourse. Attention is given to how the concerns about state deterioration already took root during the post-colonial period and how it became particularly significant in the aftermath of the Cold War when many states experienced political instability and civil war. The focus is also placed on how the fragile state discourse has shifted its emphasis from being the humanitarian/developmental concern of the 1990s to becoming more of a security concern after the 9/11 terrorist attacks.

The focus is then shifted to the conceptualisation of the fragile state discourse. Firstly, the concept will be defined in broader terms, following a discussion about the different classification models developed by scholars, governments, institutions and aid agencies, amongst others, to resolve the conceptual confusion created by different interpretations of what constitutes a weak, failed or collapsed state.

In the latter part of the chapter, attention is placed on observing the arguments of a growing body of literature that has been critical of the fragile state discourse for several reasons. The discussion in this section is structured around different levels of criticism against the discourse.

3.2   TRACING THE ROOTS OF THE FRAGILE STATE DISCOURSE – A BRIEF OVERVIEW

The sovereign state in its modern form is not as ancient as previously believed. The global system of states is a relatively recent development that resulted from the post-World War II decolonisation process. Since 1945, the number of sovereign states admitted to the UN has grown from five in 1945 to 195 today. The modern Western state with its features of centralised rule, law and order, a developed economy and defined nations only developed into maturity during the twentieth century. The long history of mankind is therefore not one that is based on the sovereign state. On the contrary, mankind was part of communities with overlapping loyalties or empires that contested their borders for most of their existence. Therefore, such communities lacked the common features that are ascribed to modern states (Brock, Holm, Sorenson and Stohl, 2012: 4 – 5).

A sovereign state is a political entity that other sovereign states acknowledge and treat as such. For realist scholars of International Relations, the sovereign state is the primary referent object of investigation and not a subject of investigation. Focus is therefore placed on the relations between states and not their different qualities. Economic liberals, on the other hand, believe that the internal characteristics of states need to be investigated. They follow a universal image of a functioning state as a benchmark against the idea of fragile statehood, which, to them, is a transitory stage of development that will return to normality once these developing states follow the same developmental path developed states in the West took. The latter has been a gradual transition from a pre-industrial, non-democratic agrarian society to a modern, industrial, democratic mass consumption society. How state formation took place differed from one region to another. Therefore, state formation in China would look much different from state formation in Russia, and there were even differences between Europe and the USA. Thus, it is not a universal linear process of movement from hunter-gatherer societies to modern nation-states but rather movements that proceed in dissimilar ways and moves in different directions (Brock *et al.,* 2012: 5 – 6).

Many of the states currently categorised as fragile were in the early stages of their existence, never members of the international system of states but rather colonial possessions controlled by the hegemonic motherland. Today, however, the sovereign state system is a global institution consisting of a diverse number of states. Despite all these differences among states, they need to adhere to many functions before being called states. This broadly includes the provision of both security and material well-being. The inability to comply to these basic functions are usually perceived negatively as failure. Different classifications such as failed, fragile and weak to distinguish different levels of deterioration are descriptive and a normative connotation that suggests a state is not functioning as it should. This perspective is strongly founded on the Weberian ideal-typical definition of the state. Fragile states rarely find themselves on the road to achieving Weberian statehood because they may be dominated by social forces who speak the language of modernity and development to legitimise their quest of enriching themselves by exploiting the state's resources (Brock *et al.,* 2012: 6 – 7). According to Hagmann and Hoehne (2009: 43), one must be cognizant of the fact that African statehood is weaker than European statehood, which is based on Weberian

definitions of the state (and argues for an ideal-typical, legal-rational state as discussed in the previous chapter). Numerous African states, as well as some in Eastern Europe and South America, struggle to represent their societies and maintain law and order, creating development challenges. The fragile state discourse deserves credit in this regard because it focuses attention on the critical role of public authority and institutions in fostering peace, development, and prosperity.

Giorgetti (2010: 44 – 46) attributes state failure in Africa to three historical conditions: the end of the Cold War, ethnic imbalances, and colonial legacies. In terms of the first, state failure is regarded as a hallmark of the post-Cold War era.The Cold War and its aftermath created deep-rooted internal divisions and conflicts in many developing states. These states became pawns on the chessboard of Cold War politics as the superpowers engaged non-state actors and guerilla movements for ideological support, providing them with military, technical and financial assistance. Many of these states suffered not only from the Cold War's divisive politics, but also from the rule of oppressive regimes that arose in the aftermath of this historical era (Van Overbeek, Hollander, Van der Molen, Willems, Frerks, and Glingendael, 2009: 3 – 4). By the end of the Cold War, a shift in alliances between states and regions occurred. With the collapse of communism, the traditional financial and military support for weak states from the superpowers suddenly dried up, and their allies' governments were no longer able to sustain themselves. However, the seeds of failure were planted well before the end of the Cold War when many leaders plundered their states' resources and isolated their populations. The end of the Cold War further enhanced the process of exposing the weak governance systems in these states (Giorgetti, 2010: 44 – 46). Apart from Cold War issues, the 1970s and 1980s were marked by severe economic crises in the majority of the developing world. To be expected, both donor organisations and international financial institutions such as the IMF and World Bank began attaching conditions to money borrowed by low-income countries in the 1970s. The aforementioned conditions were embodied in Structural Adjustment Programmes (SAPs), which were imposed by the IMF and World Bank in order to ensure macroeconomic stability, contain inflation, and strengthen the trading position of those countries hardest hit by the debt crisis. While the SAPs' initial intentions were admirable, they had to be revised in the early 1990s after numerous studies revealed that

they were ineffective because they weakened political institutions and reformed the public service, contributing to fragility (Van Overbeek *et al.*, 2009: 4).

A second condition often identified as a major cause of state weakness and instability is ethnic diversity, especially when accompanied by political and economic exclusion. Despite widespread belief that ethnic tension contributes to the deterioration of governance institutions, empirical research has demonstrated that, while state failure increased in the early 1990s, there were no clear correlations between civil war and ethnic tensions, and thus between ethnic tensions and state collapse. A third condition often associated with state failure is colonialism because it is argued that most instances of state failure have occurred in former colonialised territories, mostly in Africa. Two 'bad' legacies of colonialism have been identified as the cause of failure amongst these states. To begin, colonialism introduces government systems that are incompatible with pre-colonial political systems. Second, it established artificial interstate boundaries that did not take ethnic alliances or geographical characteristics into account (Giorgetti, 2010: 44 – 46).

How is the current world order (in contrast to the Cold War world order and given the influence of globalisation) constituted in terms of the position of failed states as opposed to stronger states? This problem has been addressed by the British diplomat (and adviser to former Prime Minister Tony Blair) Robert Cooper (2003: 16 – 42), who identified three categories of states in the post-Cold War world order, namely Pre-modern, Modern, and Post-Modern states. For the sake of the logical flow of argumentation, attention is first given to Post-Modern states.

Cooper (2003: 26 – 31) argued that post-modern states had been strongly influenced by globalisation. The latter contributed to the breakdown of sovereignty, once regarded as a key characteristic of the state. The 'balance of power' principle that was so influential during the Cold War was not considered important by this group of states. The old principles of *Realpolitik* are, therefore, also no longer acceptable within this category. The European Union is used as an example of a post-modern order. It could, however, be argued that the consequences of Brexit (The United Kingdom leaving the European Union) is currently contradicting the initial ideals of a post-modern order, indicating that internal tension in this

organisation may convince other member states to also leave (Amadeo and Berry-Johnson, 2020: Internet; Brexit Consequences for the UK, the EU and the USA: Internet). The pushback or backlash against globalisation is illustrated by Frieden (2018: 2) when he argues that "political events of the past few years have called into question the future of an integrated international economy. Brexit, the election of Donald Trump, the rise of parties of the Right and Left that are sceptical about economic integration – whether at the global or European level – have all challenged the previously common assumption that globalisation had become the natural and normal state of international economic affairs". Short (2016: Internet) added that in both cases (election of Donald Trump and Brexit), citizens upset the political order by voting to resist economic, political and cultural globalisation. In the case of Brexit, there were concerns about job security as well as increased immigration trends. The same backlash occurred in the American mid-west, which is the industrial heartland and has been severely affected by global competition. Cooper (2003: 21 – 26) believed modern states were still strongly influenced by the classic state system (*Realpolitik*) of the Cold War period. Order was still maintained through the 'balance of power' principle or the presence of a dominant hegemon. Hegemony is defined by Russett, Starr and Kinsella (2000: 360) as a system where "one state is able and willing to determine and maintain the essential rules by which relations among states are governed". Modern states are often regarded as old fashioned because they still strongly adhere to the principles of sovereignty with a strong distinction between domestic and foreign affairs.

Pre-modern states are characterised by what is referred to as "pre-state, post-imperial chaos" (Cooper, 2003: 16 – 18). Examples include Somalia, Afghanistan and Liberia. States belonging to this category no longer satisfy Max Weber's criteria of having a legitimate monopoly on the use of force. This situation can also be the result of a state's abuse of this monopoly and its subsequent loss of legitimacy. In cases where different factions are violently opposing the government, the latter can completely lose its monopoly over the use of force. Structurally, pre-modern states can be regarded as very fragile. It is expected of a state to provide order and stability to its citizens, regardless of whether it is primitive or industrial. Too little order can lead to chaos and disorder, whilst too much order can bring the functioning of the state to a complete halt, as was proved by the former communist states. It seems as if pre-modern states are caught in another dimension of time as modern and post-modern states – a society

with almost primitive characteristics that have become entangled in a spiral of chaos and disorder. States that are therefore categorised as weak, failed, failing, fragile or collapsed would fit into the pre-modern state category (Cooper, 2003: 16 – 18).

Similarly, Saikal (2000: 39) refers to pre-modern dispensations as 'disrupted' states, showing a dramatic increase in the post-colonial world order. From a dependency theory perspective, disrupted states are seen as post-colonial dispensations that find themselves in an unconsolidated way in the periphery (as opposed to 'strong' states in the core) and function in a continuous state of entropy (disorder). Seven types of disruptions are identified: the fragmentation of leadership of the national elite and the collapse of social order; disruption driven by ethnic diversity and antagonisms; disruption as the result of opposing ideologies; disruption that has sectarian origins (religious sects); disruption due to the state's loss of income and tax base; disruption because of a crisis of legitimacy; and lastly, disruption due to the demands of different separatist movements.

Klingebiel and Ogbamichael (2004: 15 – 16) referred to dispensations akin to disrupted states as 'poor performers,' classifying them into two categories. The first category is defined as "states lacking the capacity to shape and articulate the political or public framework." That is, the state is no longer capable of meeting its obligations in a reasonable manner. The second type of 'poor performers' do have the capacity "needed to shape a governance framework…but…are unwilling to deploy them constructively; that is, in these cases a lack of political will is responsible for the situation" (Klingebiel and Ogbamichael, 2004: 15 – 16). A combination of the two factors mentioned above is characteristic of almost all poor performers. Similar dispensations, characterised by high levels of violence, are described by Goodhand and Hulme (1999: 16) as complex political emergencies. The latter refers to conflict situations, which have one or all of the following characteristics. The first refers to conflict within or across the borders of the state. In complex political emergencies, the conflict is usually fluid and does not necessarily occur only within the borders of the affected state. Secondly, complex political emergencies usually have political roots. The competition for scarce resources can be regarded as the central dynamics of many social conflicts. Thirdly, the conflict situation can have a long duration. Cliffe and Luchham (1999: 27) agree that the appearances of states that experience failure are usually characterised by conditions

associated with complex political emergencies. Conflict and violence are, therefore, often associated with the collapse of states. However, factors such as ethnicity and diverse regional interests cannot always be advanced as reasons for the state of affairs. Reasons for the rise of conflict must also be attributed to the inability of governments to fulfil their responsibilities towards their citizens, especially in terms of providing order and stability.

Contrary to the dispensations already classified as disrupted states or poor performers within the pre-modern state category, Bilgin and Morton (2004: 170) and Klingebiel and Ogbamichael (2004: 15 – 16) identified another state category referred to as rogue states or even risk states. These states mainly refer to authoritarian regimes such as Iraq (under Saddam Hussein), Iran, Libia, North Korea and Pakistan. Interestingly, no rogue states were identified in sub-Saharan Africa probably because they pose little potential threats to the international community. Rogue states often do not abide by the rules, regulations, and standards of the international community, and their status is largely determined by the governing regime or dominant leadership figure. Bilgin and Morton (2004: 170) further argue that rogue states need to be distinguished from failed states for two reasons. In terms of failed states, the focus is usually placed on their internal characteristics (and how different domestic factors contribute to the crisis), but when rogue states are discussed, the emphasis shifts to their often anti-Western foreign policies. States that experience failure also only become a concern when they reach the edge of collapse (as was the case with Somalia), whilst rogue states are regarded as a direct threat to international order and stability. It is, however, interesting to note that when Noam Chomsky (2007: 1 - 2) pondered the question about the meaning of the rogue state as defiance of international law, he argued that the United States should also be classified as a rogue state. He provided the following reasons: it ignored the Geneva convention by its treatments of prisoners in Guantánamo Bay; violated the Nuclear Non-Proliferation Treaty by still manufacturing new weapons; defied the United Nations Charter (allowing the use of force as a means of self-defence only) by its unmandated 2003 invasion of Iraq. This critique speaks to the hypocrisy often associated with Western views against those states that do not adhere to its standards, whilst committing the same "crimes" as those "non-compliant" states it accuses.

The last of the broader perspectives on 'state failure' deals with Robert Jackson's (1990) description of the 'quasi-state'. One of the determining factors of a state's success was that it had to possess 'positive sovereignty'. Jackson (1990: 29) described a positive sovereign government as "one which not only enjoys rights of non-intervention and other international immunities but also possesses the wherewithal to provide political goods for its citizens. It is also a government that can collaborate with other governments in defence alliances and similar international arrangements and reciprocate in international commerce and finance". Not only does the successful state enjoy international legal (*de jure*) recognition of its statehood, but its government also has the ability to project its authority across its sovereign territory. Additionally, the state has the ability to form collaborative relationships with other governments. However, a successful state must also possess *de facto* statehood – the capacity of the government and state organs to exercise authority and enter into collaborative arrangements – which distinguishes it from negatively sovereign states. Negative freedom can be defined as the absence of external interference, but little else. Thus, positive sovereign states' sovereignty can be considered both *de facto* and *de jure*, whereas negatively sovereign states' sovereignty is solely de jure. Successful states, according to this distinction, have positive sovereignty, whereas failed states have negative sovereignty. However, there is a flaw in this distinction: not all negatively sovereign states are inherently failed (Jackson, 1990: 29).

The term 'failed state' is a recent invention. Especially during the 1960s and up to the end of the Cold War, scholars and politicians were interested in developing states, independent states and post-colonial states. From the perspective of the modernisation discourse, it was believed that traditional societies within these developing states would evolve to modernisation, resulting in dispensations formed in the image of the modern Western state. The modernisation perspective was particularly popular during the Cold War. It was believed the Western idea of the state provided the ideal model to aspire to by states that still lagged in terms of modernisation (Brock *et al.,* 2012: 7 – 8). "The modern nation-state came into being with the signing of the Peace Treaties of Westphalia in 1648. A permanent population living within the confines of a demarcated territory with a sovereign government became the key requirements and characteristics of the modern state" (Schoeman, 2008) (Also compare the definitions of Scholte, 1999: 19 – 21; Heywood, 2002: 86; Frost, 1997: 273; Jackson and

Jackson, 1997: 34 – 35; and Vincent, 2004: 40). However, in arguably the most influential definition, Max Weber (quoted in Jackson & Rosberg, 1982: 2) described the state as a "corporate group that has compulsory jurisdiction, exercises continuous organisation, and claims a monopoly of force over a territory and its population including 'all action taking place in the area of its jurisdiction'". By emphasising a government's capacity to use force within its borders, Weber emphasised the empirical (de facto) rather than the juridical (de jure) characteristics of statehood. Weber's definition begins with the question of whether the state can exercise an unmatched monopoly of force within its territorial jurisdiction (Woodward, 2004: Internet; Yesilkaya, 2007:1). Joel Migdal (1988: 19) defined a'strong state' (also referred to as an ideal-type state) as "an organisation composed of various agencies led and coordinated by the state's leadership (executive authority) that has the ability or authority to make and implement the binding rules for all the people as well as the parameters of rule-making for other social organisations in a given territory, using force if necessary to have its way" (Schoeman, 2008). Migdal (1988) established a definition of the capabilities that a state should possess and compared developing states to this definition. Capabilities of a state include the ability to penetrate society, regulate social relations, extract resources, and use and distribute these resources effectively.

According to Taylor (2013: 1), the concept and phenomenon of state failure became particularly important during the 1990s amongst journalists, academics and policymakers as well as their advisors. Madeleine Albright and others in the United Nations popularised the concept of 'state failure' in the early 1990s (Gros, 1996: 455; Cojanu and Popescu, 2007: 114 – 115). The debate over state failure was influenced further by Albright's speech in which she emphasised the fact that globalisation, which would shrink and bind the world closer together, would have a dark side. Additionally, action had to be taken against rogue states, states that simply refused to follow the rules of global order. In her analysis, she distinguished four types of states: those that accepted the rules and were willing to work within them; those that were democratising and marketising in order to join the first group; those that sought to undermine the first and second groups; and failed states. In terms of the latter group, it was widely assumed that these states would be incapable of providing basic governance, services, and opportunities to their populations despite international prevention efforts, thereby contributing to the emergence of internal conflict, humanitarian crisis, or regional instability.

The 'Clinton Doctrine,' as it became known, reflected the events of the 1990s. It sought to create a future in which "our people" (obviously Americans) were safe from proliferation, terrorism, drugs, and possible climate-related catastrophes. Another issue that arose during the 1990s debate was a hazy distinction between 'failed' and 'rogue'. In this context, failed referred to a state's internal state, while rogue referred to a state's behaviour within the international system. State-building was the response to the former, while containment or regime change was the response to the latter. The events of 9/11 merged these two into failed states that posed a threat to their own citizens, neighbours, and the international community, posing a global threat that necessitated a coordinated international response (Taylor, 2013: 13 - 15).

After gaining traction, state failure was blamed for every threat to international peace and security, ranging from the causes of civil war to environmental degradation and terrorism. African states specifically were targeted as culprits in discussions on state failure and collapse. The point of departure was that after the Cold War, African states have fallen victim to criminalisation, globalisation, privatisation and endemic violence and thus presented a threat to human and global security. Conditions in African states are categorised in pathological terms as experiencing 'collapse', 'failure', 'fragility' and 'weakness' and that these states are deteriorating into nightmarish scenarios of chaos and lawlessness (Hagmann & Hoehne, 2008: 43). Especially during the beginning of the 1990s, failed states were more or less just perceived as a humanitarian issue (Szpak, 2014: 253 – 255; Woolaver, 2014: 600). During this period, the issue of failed states became a focal point of international politics, as it was used to explain post-Cold War politics and the so-called new world (dis)order (Taylor, 2013: 1). During the mid-1990s, the failed state was recognised as a distinct political phenomenon, a relic of the changing dynamics of international politics brought about by the Cold War's end. Several key historical events during the 1990s determined the debate about state failure. It was especially the bombing of the World Trade Centre (1993) because it introduced many unfamiliar threats such as ethnic and religious conflicts as well as the turmoil of dissolving or newly created states and terrorism. The 1990s were defined by numerous conflicts: those in the Balkans and Somalia, the Rwandan genocide, the attack on the USS Cole, and the Colombian drug wars. All of these, among others, lent substance to the concept of state failure. By 1994, Vice-President Gore had commissioned the CIA to investigate why states fail.

Although terrorism was identified as the primary security threat, it was accompanied by other potential threats, including weapons of mass destruction, organised crime, drug trafficking, ethnic and religious hatred, rogue state aggression, and environmental degradation where failure could flourish and threaten (Taylor, 2013: 13 – 15).

However, the concept shifted its emphasis away from humanitarian concerns. It gained prominence following the 9/11 terrorist attacks on the United States, and many observers became convinced that a weak state like Afghanistan could pose a significant threat to the United States' national interest. And, while poverty did not directly contribute to terrorism, poverty, weak institutions, and corruption exposed weak states to terrorist networks and drug cartels operating within their borders. The 9/11 attacks had a significant impact on American foreign policy. The attacks in New York and Washington, D.C. demonstrated that fragile states can endanger the national security of Western states. This was attributed to the Afghan government's hosting of members of the al-Qaeda terrorist network; consequently, they were viewed as havens for criminal activity and global terrorism. Additionally, the new research agenda emphasised a more cordial relationship between the fields of development and security, dubbed the 'security-development nexus.' Within the framework of the 'fragile state' agenda, the latter implied a fusion of security and development policy and a "re-problematization of security as a result of and prerequisite for development in a broader sense." These fears resulted in the 'securitization' of the 'fragile state' discourse, as former UN Secretary-General Kofi Anan put it when he stated that "it was clear that these threats were increasingly coming from governments that were permitted to violate the rights of their individual citizens" (Van Overbeek et al., 2009: 4 – 5; Grimm, Lemay-Hebert, and Nay, 2014: 199 – 200). The magnitude of the threat posed by terrorism prompted some to advocate for the revival of trusteeship and even formal (or informal) American empire (Andersen, 2008: 9 – 10; Yesilkaya, 2007: 6; Taylor, 2013: 1).

Since 9/11, the significance of the issue of fragile states has been reflected in the contributions of several government bodies, academics, think tanks, non-governmental organisations and even multinational corporations. Many of these contributions have focused on identifying breakdowns in these countries rather than providing solutions on how to fix them. According to this perspective, dysfunctional institutions cause state fragility and only

by restructuring these institutions can a suitable economic environment be created that will be favourable for foreign investment and therefore stimulate development. Fragile conditions create security risks on a global scale and endanger local populations and neighbouring states, with the lawless conditions spreading across borders and creating havens in which terrorists, drug cartels and other forms of criminal activity can flourish. Apart from refugee crises often created, the majority of the population is subjected to large scale poverty and degradation. The 2002 US National Security Strategy declared that although poverty may not turn people into terrorists, it can, in association with weak institutions and corruption, create the type of state weakness conducive to the operation of terrorist networks and drug cartels. Furthermore, a World Bank report established that the number of fragile states that could be incubators of terrorist activities rose from 17 in 2003 to 26 in 2006. It is further estimated that around two billion people have to endure the miserable living conditions that are so characteristic of fragile states. According to this perspective, fragile states are the main obstacle in international efforts to meet the UN Millennium Development Goals, which seek to eradicate child mortality and hunger by 2015. It is also argued that fragile states have become so serious that a new bi-polar system is starting to take shape in world affairs: those states reaping the benefits of globalisation and those that are excluded (Kaplan, 2008: 1 – 2).

In the field of development, changes have also occurred, especially in terms of addressing issues of state capacity in fragile states, which resulted in a new aid allocation system in terms of international assistance. This implied that donors had to better target recipient countries in terms of their institutional performance. With the focus on capacity, benchmarks were set that were more difficult for recipient states to achieve. This change of events encouraged more Western donor state interest as they now had better guarantees of not unnecessarily wasting their money. Emphasis was placed on poverty reduction instead of economic growth, resulting in many recipient states experiencing political turbulence and not meeting the new benchmarks. The result of this was that the majority of aid was now allocated to those states that were characterised as 'good performers' but marginalising those that had ineffective institutions. This state of affairs was severely criticised by the US Congress, which resulted in the World Bank having to establish an initiative that focused specific attention on 'low-income

countries under stress', specifically addressing conditions in those states suffering from violence, the effects of war and political instability (Grimm *et al.,* 2014: 200).

It is difficult to determine when the term 'failed state' was first used. One of the earliest references to the term appeared in a 1992/1993 edition of Foreign Policy, in an article by Helman and Ratner. The authors of this article identified the emergence of a troubling new phenomenon: the failed nation-state incapable of sustaining itself as an international community member. There was no explicit definition of state failure because it was regarded as self-evident. Additionally, they did not quantify levels or degrees of failure; however, they identified a syndrome of political instability, random warfare, and widespread human rights violations (Helman & Ratner, 1992/93: 3). Additionally, they contended that the violence in these states was not the 'typical' intrastate conflict found in civil and revolutionary wars.

On the contrary, "state failure constituted a general disruption of a country's economic, governmental and, in extreme circumstances, social systems with quantitatively and qualitatively higher levels of corruption and state capture, ethnic conflict, criminal networks, disease and epidemics, mass migration and famine" (Helman & Ratner, 1992/93: 20). They emphasised in their investigation that government structures are being overwhelmed by circumstances. Although the authors made a fairly broad distinction between different degrees of failure and proposed introducing varying degrees of conservatorships to address the issue, they paid scant attention to a thorough examination of the failed state phenomenon. What distinguished this contribution as authoritative and significant, however, was its success in establishing a new research agenda (Grimm *et al*. 2014: 199; Szpak, 2014: 251 – 252; Woolaver, 2014: 600).

The issue of institutional deterioration was, however, already studied as far back as the 1960s. In his classical explanation, the American political scientist Samuel P. Huntington (1968: 4) referred to symptoms of state failure as 'political decay'. He believed that "throughout Asia, Africa, and Latin America there was a decline in political order, an undermining of the authority, effectiveness, and legitimacy of government. There was a lack of civil morale and public spirit and political institutions capable of giving meaning and direction to the public interest. Not political development but political decay dominated the scene" (Huntington,

1968: 4). He used the term 'political decay' to refer to political instability and deterioration and the government's inability to enforce legitimate authority and maintain order. For Huntington (1965: 405 – 408), sudden social mobilisation and political participation (in contrast to the general consensus of the time that these factors would lead to political development) resulted in the deterioration of many states in Africa, Asia and Latin America. Especially in Africa, many states had high expectations of becoming successful democracies after independence, but the sudden participation of masses of people pressurised the new government institutions, that they started to collapse. Africa provides many examples of coups where the military had to assume power to create social order. He further identified rapid economic growth as another possible source of instability. Other factors such as a higher literacy rate and a better education infrastructure also encourage citizens' political participation, further contributing to instability.

Another influential thinker, Joel S. Migdal (1988), described similar dispensations (where the failure of institutions is rife) as 'weak states'. Within these states, the government loses its ability to enforce social control. The latter refers to the ability of state institutions to penetrate society, regulate social relationships, and effectively use resources. These functions are effectively carried out within' strong states', but 'weak states' struggle to effectively enforce social control.

This melancholic, even apocalyptic view of state failure was taken a step further with the February 1994 publication of Robert Kaplan's article '*The Coming Anarchy*' in the *Atlantic Monthly*. Here, Kaplan (1994) specifically focused on conditions in West Africa as a "symbol of demographic, environmental and societal stress where criminal anarchy has become the real danger". These conditions are exacerbated further by disease, overpopulation, unprovoked crime, resource scarcity, refugee issues, border erosion, and the empowerment of private armies, security firms, and international drug cartels. To compound matters, he believes that the future will be marked by the demise of central governments, the rise of tribal and regional domains, the spread of disease, and an increase in widespread war. As the state disintegrates completely, embassies close and communication with the outside world is limited to dangerous and disease-ridden coastal trading posts. In a world now characterised

by mercenaries, the state loses its "monopoly of violence, and this violence is now organised around values (culture, ethnicity, religion) conducted by private militias, and the distinction between war and criminality disappears" (Kaplan, 1994). Survival in the future would depend on the way communities stick together, and this survival would be aggravated by environmental scarcity. Kaplan believed that the major catalyst for this crisis would be the Malthusian concept of overpopulation and resource scarcity, which would fundamentally alter the concept of security. He, therefore, identified issues around the environment (especially in terms of resource scarcity) as the major cause of state failure, but this failure was also linked to the rise of militant Islam. Therefore, the new map of the world would look much different from the familiar one with new networks of power centred in drug cartels, mafia style criminal organisations, and private security tendencies (Taylor, 2013: 9 – 10; Kaplan, 1994: 44 - 65).

William Zartman conducted the first significant academic analysis of the phenomenon in his 1995 work *Collapsed States*. According to him, state collapse was a symptom of the post-Cold War, post-bipolar interstate order and was qualitatively distinct from rebellion or interstate conflict. In such states, the structure, authority, law, and political order have deteriorated to the point where they must be rebuilt in some form, old or new. As authority devolves downward into localised power networks, these networks will resist central authority's reconstitution. In the majority of African states, it appears as though the majority of true political power is concentrated at the sub-state level and in the hands of tribal/ethnic or clan leaders. This phenomenon is scrutinised in greater detail in later chapters. However, he was adamant that there was a difference between 'historic' collapse and 'modern' (essentially African) collapse but that this collapse was not a matter of civilisational decay. The implication is that society continues regardless of ideological, regime, or social order changes, making it difficult to believe that civilisation has been destroyed. This actually means that failure is not a new phenomenon but that failure can be presented as a complex change process. Therefore, state failure as a phenomenon stands on the opposite side of state creation. Concerning the late twentieth century, state collapse can be viewed as a much more specific, narrow, and identifiable phenomenon, a political cause and effect relationship with social and economic consequences. Discussions about state collapse were also set against the prevailing assumption in the modern era that territory and population are supposed to be divided into

political jurisdictions that define the identity, order, and authority within their borders. Zartman cautions against general theories attempting to explain failure and collapse because even if the studied examples look similar, they are unique in terms of their characteristics. He also exposed another flaw in the general methodology of failure: the tendency to overgeneralize a single case or a small number of cases, as well as the perception that failure is a necessary component of political rule only in Africa. According to him, states collapse when they are unable to perform the functions necessary for them to continue to exist as states. A state is the authoritative political institution that is sovereign over a recognised territory in this sense. The Weberian definition of the state serves as the foundation for the study of failure, with three interrelated components: sovereign authority, institutions, and security (Zartman in Taylor, 2013: 10 - 11; Zartman, 1995: 1 - 11).

In three valuable contributions, Robert I. Rotberg (2002, 2003) attempted to investigate the causes, consequences and differences between different types of fragile states. He proposed that for fragile states to become successful, they first need to succeed in 'nation building', with a combination of political will and external assistance. On his part, Francis Fukuyama focused on the importance of strengthening "stateness" by improving the state's administrative capacities (Kaplan, 2008: 7). More recent studies, amongst many others, include the contributions of Patrick (2006), Krasner and Pasqual (2005), Clemens and Moss (2005), Francois and Sud (2006) as well as Malek (2006).

The term 'failed state' has been overused to the point where it almost recklessly describes a wide variety of states throughout the world, depending on the writer's prejudices or the need for a sensational headline (Taylor, 2013: 1). State powers use the term to describe reality in terms of their foreign policies, also exploiting the term for their own strategic purposes. For instance, from a donor perspective, states experiencing some form of political or poverty crisis are often classified in terms of the extent of these crises to legitimise funding for aid or motivate different strategies for intervention. Although they usually detest the stigma associated with fragility, aid recipients have been known to abuse these benefits for their own political gains. States that rely on aid frequently use the concept to postpone political reforms and persuade aid donors to invest even more money in their precarious cause (Grimm *et al*. 2014: 197 – 198).

Every state in the world is unique in terms of its historical development and characteristics. Therefore, many scholars and observers criticise the fragile state discourse for attaching generalised characteristics to states that are diverse in their makeup. However, there are several characteristics that all of these states share, and that can be pooled together. There are problems with the different terms ascribed to these states. "Failed" and "failing" states can, for instance, refer to those that have acute problems that can be fairly quickly remedied, whilst a fragile state usually has a long history, and a quick remedy is thus not possible. The term "quasi-state" was suggested by Robert Jackson in the context of decolonisation after the Second World War. However, state fragility can also occur in the absence of processes of colonisation and decolonisation. The term "weak state" has been much used, but "strong state" often refers to authoritarian regimes, which might send out the wrong message. The term "fragile state" seems to be the most acceptable and is often also treated as an umbrella term for the other forms of deterioration. The term "fragile state" is founded on the Weberian ideal type and attempts "to capture core characteristics of a given phenomenon in its pure form. In doing so, it focuses on what is more important and disregards what is less important (Brock *et al.* 2012: 14 – 15). According to Woodward (2004: 3 – 4), the concept 'failed state' is vague and often blindly applied to a number of disruptions in these states. The latter has understandably also evoked a reaction from states labelled as failed. The term 'failed state' has become both controversial and sensitive. The suggestion has been made that one should rather refer to 'fragile states' or 'dysfunctional states' as the latter allows for greater diversification and differentiation of the level of crisis in these states. Although these states show signs of failure, their borders and legal personality cannot be questioned. In other words, they never lose their membership of international organisations nor their diplomatic relations with other states and although they do not have the power to sign new treaties, older agreements of which they were part before their failure remain intact (Szpak, 2014: 252). Furthermore, the fragile state discourse seems vague or unable to distinguish between the terms 'failed' and 'fragile'. Failure is described as a situation where something has already happened, whether the unsuccessful attempts to create a new state or the deterioration of an existing state. Fragility is described as a situation where something might happen, but what actually is supposed to happen remains unclear. In layman's terms, fragility refers to something that is delicate and can easily be broken. Thus, the term'situations of fragility' can

refer to a variety of things, from the risk of conflict and war to regional problems, or even to what failed states used to mean (Chuter, 2009: 28).

Recently critics, mostly from the global 'South', have argued that the term 'failed' has a threatening tone and could be used as an excuse for intervention and the resulting violation of the sovereignty of these states. Because the concept 'fragile state' is not a neutral term, it needs to be used carefully as the irresponsible use of the term has emotional, political as well as economic implications. For example, African leaders such as President Nkurunziza of Burundi complained that being classified as fragile has detrimental consequences for his country as it discourages those foreign investments that are desperately needed (Grimm *et al.* 2014: 197). Scholars, diplomats and policymakers in the 'North' have since become sensitive to these sensitivities and began to modify the adjective to appear less offensive – now rather referring to 'fragile states', 'crisis states', or 'states at risk of instability'. Some scholars even argue that the term 'failed state' should no longer be used in polite conversation and 'fragile state' should be avoided as a means of describing conditions in the developing world. There are several reasons why the fragile state discourse has become problematic, especially in terms of Africa. Firstly, and as mentioned earlier, many African leaders have become sensitive towards being characterised as failed or fragile. To them, the perception is created that things have gone wrong in their states, that they have lost the ability or do not have the capacity to resolve their own issues and that representatives of non-fragile states, especially those in the West, need to intervene as the only alternative to resolve these problems. Therefore, this stigmatisation is seen as just another justification for the West to interfere in their governments and economies (Chuter, 2009: 27). Second, it is recognised that the issue is not so much with Africans failing to produce viable states as it is with the western nation-state concept failing to take root on the continent. This has been attributed to the fact that the idea of the state was never institutionalised in the former colonies, a situation that did not improve during the post-colonial period (Chuter, 2009: 27). Thirdly, various non-governmental and donor organisations developed distinct methodological criteria and lists of failed and fragile states, yielding results that are incompatible with one another (Chuter, 2009: 27). Thus, the various formulations employed by the aforementioned organisations could be multiplied virtually indefinitely, with the result that they become incompatible and unreconcilable with one another due to their differing

assumptions, perspectives, and objectives. Although there sometimes are genuine attempts at innovative thinking and research, many attempts at conceptualising fragile states are often outdated and yet presented as something new and innovative. But there is a more serious problem underlying these different formulations. The latter is predicated on a number of unarticulated assumptions that have become ingrained in the lexicon of development theory, security sector reform, conflict prevention, and other related disciplines (Chuter, 2009: 28 – 29). Furthermore, using the concept 'fragility' has proven insufficient in its predictive value (Chuter, 2009: 27 – 28).

In their definition, the United States Agency for International Development (USAID) uses the term 'fragile state' as an umbrella term to embrace other terms such as 'failing', 'failed' and 'recovering states', acknowledging the sensitivity of the term as well as the difficulty of distinguishing between them. They make a distinction in their analysis between states that are vulnerable to crisis and those that are already in crisis. Within a vulnerable state, the government was unable or unwilling to provide adequate security and basic services to the majority of the population, casting doubt on the government's legitimacy. In a crisis, the government loses control of its territory, resulting in the inability or unwillingness of the government to provide essential services to all areas within its borders. Legitimacy in these states are either non-existent or weak, and violent conflict is either a prospect or already a reality (Taylor, 2013: 18 - 19).

The terms 'weak', 'failed', 'failing' and 'collapsed' have thus far been used interchangeably, depending on how these terms have been used by different scholars, academics, observers and government agencies. For clarity and sensitivity, the study adheres to the definition USAID and refer to 'fragile states' as an umbrella term that envelopes all the other terms of classification used to describe different degrees and levels of state deterioration. For this study, the fragile state discourse refers to the broad study of state deterioration and therefore includes all the other classification terms used by different scholars, observers, and government agencies.

This will avoid unnecessary confusion when the fragile state is conceptualised or when the classification continuum is discussed in the following section, where differences between

'weak', 'failed' and 'collapsed' states is distinguished. In the following section, up until the discussion of the different types of state deterioration, the term 'fragile' is used with the understanding that it includes the broad characteristics of states that are regarded as 'weak', 'failed' or 'collapsed'.

3.3   NARROWING DOWN THE ISSUE – WHAT IS A FRAGILE STATE?

The fragile state discourse "has developed the notion of an ideal-type (or strong) state, measuring it against conditions in fragile states" (Schoeman, 2008). Eriksen (2006: 2 – 6) distinguished two distinct approaches to state fragility (according to their proponents' understanding of the state): those who believe a state fails when it lacks effective government control to maintain its authority within its territory, and those who believe a state fails when it fails to fulfil certain obligations to its citizens. However, it is very difficult to determine whether the definition of a lack of control over territory or a lack of obligations to the citizenry can be regarded as authoritative. It is almost impossible to determine the exact levels of deterioration that a government needs to reach for it to be classified as a failed state (Woolaver, 2014: 600 – 601). The first and most prominent of these approaches is inspired by the previous chapter's 'Weberian' definition of the state. According to Schoeman (2008) "Emphasis is strongly placed on the state's ability to maintain order within its jurisdiction through the use of legitimate force. Can the state guarantee a safe environment for its population, and does it have firm political control over its territory? In fragile states, governments often control only part of their territory (usually the capital), while different factions control other parts".

The starting point in defining a fragile state is, therefore, the government and state apparatus. In terms of the latter, the institutional and administrative structures in fragile states are inefficient and corrupt, depending on the different degrees of deterioration. There are no effective measures to hold leadership accountable, and rules are enforced selectively rather than through legitimacy and the rule of law. The defining feature here is enforcement and the state's ability to make citizens comply with its laws. However, this enforcement cannot only be based on coercion (state power over society) but must also involve legitimacy: where power that is given to government is endorsed by society who voted them into power. The lack of an effective and efficient national economy with the ability to create welfare and

resources is visibly lacking. An issue related to society is how the people within the state's physical territory make up a community. Here two aspects concerning a community need to be highlighted. The one relates to citizenship or the relationship that exist between the state and its citizens. In a well-functioning state, the government provides several fundamental rights (political, legal and socio-economic) to its citizens, and in exchange, they have certain obligations towards the state (e.g., paying taxes). The other aspect refers to what can be called "community of sentiment", referring to the extent to which citizens consider themselves part of a community through a common language, culture or historical identities they might share. Benedict Anderson (2006) described the latter as "imagined communities". In fragile states, there is a discrepancy between the states boundaries and those boundaries of the imagined communities with which the people who reside within them most identify. Thus, the community of sentiment has remained weak because the state has been unable to create effective citizenship. The fundamental rights that citizens are supposed to receive are also lacking. In cases where the government is unable or unwilling to deliver, people turn to alternative means of providing them with material and non-material services, usually in the form of ethnic communities. Thus, fragile states are regimes in which neither the community of citizens nor the community of sentiment has fully developed into the bond that unites people at the national level (Brock *et al*. 2012: 16 – 18).

For Zartman (1995: 1), state fragility involves more than just rebellion, coups and unrest. Giorgetti (2010: 43) argued that state fragility is best defined as "the incapacity of a state to perform its obligations towards its citizens and towards the international community in general". Failed states are defined by the implosion of state structures, which results in the inability of government authorities to carry out their responsibilities, which include providing security, upholding the rule of law, exercising control, providing education and health services, and maintaining economic and structural infrastructures. Thus, the state loses physical control over its territory (Williams, 2007: 1 - 2). Woolaver (2014: 595) defined a fragile state as "a territorial entity that has achieved statehood, but whose government has only a minimal degree of effectiveness, if any, over the state's territory". In this regard, Somalia and Sudan are regarded as quintessential examples of fragile states. Fragile states are generally viewed as dispensation with ineffective government institutions. Additionally, in such an environment, the government is incapable of providing security for the entire

population. According to Jackson (2000: 296), fragile states "are unable or refuse to safeguard minimal civil conditions for their citizens, such as domestic peace, law and order and good governance". Therefore, unable to reproduce the conditions for its own existence (Taylor, 2013: 1). The power vacuums created by these pockets of ungovernability are often filled by clans, warlords and groups that oppose government authority, leading to widespread armed violence that has a spill-over effect into neighbouring countries. Further characteristics of this disarray include a loss of control over borders, corruption, poverty, abuse of human rights, as well as massive migration flows and refugee problems. This lack of control and authority can further lead to an increase in crime, including illegal trade in arms, drug trafficking and even piracy (as in the case of Somalia). The connection between fragile states and terrorism is also emphasised (Szpak, 2014: 252). Stohl and Lopez (1998: Internet) summarised the impact of 'fragile states on their neighbours, declaring that "these states threaten regional security and often brings demands (because of the refugees they foster, the human rights they abridge and their inability to forestall starvation and disease) for intervention by regional and global states and international organisations, which further complicate issues of regional and global security".

As a means of further clarification, the authoritative definitions of the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD) is scrutinised. To the DAC, "states are fragile when state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development, and to safeguard the security and human rights of their populations" (Brock *et al.* 2012: 18). Firstly, this definition mentions that state fragility is both a matter of structures and actors. Often actors in fragile states are more than willing to make constructive and positive contributions, but structures or other actors undermine their actions. Secondly, the definition is fairly narrow in its scope regarding government and the state apparatus. Such a definition needs to be expanded to also include the surrounding society and the economy and relations between people in such societies. Thirdly, the definition clarifies that the problems with fragile states are of national origin and occur within their borders. Fourthly, the DAC definition is very demanding in what it expects fragile states to do and accomplish. It is required to provide development, poverty reduction, security and human rights. Fifthly, the

definition adheres strongly to modernisation thinking in that if fragile states pull up their socks, they will be able to rid themselves of fragility, become effective states and provide a good life to their citizens (Brock *et al,.* 2012: 18 – 19).

International law is very specific about the establishment and dissolution of states but does not address their evolution during their existence. This becomes problematic when the emphasis is placed on fragile states because their sovereignty and supposed role towards other states are recognised, despite their government's inability to fulfil these commitments. And also despite the fact that they are not dissolving. In other words, "it is beyond doubt that state failure does not extinguish statehood, once it is given, and, in fact, failed states do not become extinct because of their inability to 'behave like States'" (Giorgetti, 2010: 52). According to traditional international law, statehood can be terminated in a very limited number of ways. These include the incorporation of one state into another, the annexation of one state by another state, the fusion of one state into one or more other states, or the dismemberment of one state into several smaller units. Failed states do not comply with any of the state extinction processes and lose their ability to behave like states (Giorgetti, 2010: 52).

The idea of a state without a functioning government challenges the presumptions about the international legal system. Numerous scholars argue that in order for the international state system to function properly, fragile states' conditions must be addressed through interventions (including foreign governments administering the state) or even the use of force to ensure international stability and security. However, the latter directly contradicts the principle of state equality. Therefore, it is regarded as a direct infringement upon the right of a state to govern the population within its territory without invasion or interference from other states. Current international law regards fragile states as legally equal to all other states. This is reinforced by the fact that states and international organisations recognise fragile states' rights to territorial integrity and political independence, as well as their right to be protected from intervention and the use of force against them (Woolaver, 2014: 595 – 596). Furthermore, international law advances a position that the state is a continuing almost perpetual entity. This implies that once statehood is achieved, how its government functions or performs is scrutinised much less stringent. Additionally, it implies that a government that

is incapable of maintaining internal stability and order is a failed government, not a failed state. It retains sovereignty over territorial integrity and political independence (Woolaver, 2014: 597 – 588).

An important definition of state failure from a political theory perspective claims that a state fails when it cannot fulfil and honour its obligation to provide protection and political goods. According to this theory, "the existence of states is founded on a tacit, mutually beneficial 'contract' between rulers and the ruled, based on rights and obligations that each party to the contract agreed to perform. Thus, while the ruled parties agreed to be ruled, pay taxes and obey the law, the rulers provide in exchange several political goods, including security, education and health care systems, and physical infrastructure" (Giorgetti, 2010: 47; Chemhuru, 2017: 506 – 514). From the fragile state perspective, this implies that the state is no longer able to keep to its end of the bargain; it is unable to fulfil its responsibilities towards the social contract. However, it is not only a government function that seizes to exist but also a breakdown of societal infrastructure and a collapse in the very foundations of society. The state becomes unable to deliver any political goods to its citizens. In most instances, this deterioration process occurs gradually from a relatively strong state to one that becomes weak, failed or, in the most extreme cases, a situation of total collapse. The latter is characterised by the absence or total vacuum of authority. In essence, it is argued that "although nation-states exist to deliver political goods to their citizens – including security, education, health services, environmental protection infrastructures and administrative systems – failed states are no longer able and willing to perform the job of a nation-state in the modern world" (Giorgetti, 2010: 49; Rotberg, 2002a: 85 - 96). Due to their inability to provide political goods to their citizens, failed and collapsed states are frequently characterised by "friction between communities, incapacity of controlling borders and territory, ethnic and other inter-communal hostilities, predatory behaviour by the elites, growth of criminal violence, flawed institutions, absence of democratic debate, deterioration of infrastructures, privatisation of health and education systems, rise in corruption and decline in income levels" (Giorgetti, 2010: 50, Rotberg; 2002a: 85 - 96). The poorer a state performs in terms of these criteria, the higher the risk of becoming a fragile state. Therefore, a state fails when it is unable to fulfil the social contract with its citizens and the international community.

Scholars in failed state literature have "developed the notion of an ideal-type (or strong) state against which conditions in failed states are measured. In defining such an ideal-type state, identified two different approaches to state failure are identified (based on their proponent's understanding of the state). The most prominent of these approaches finds its inspiration in the 'Weberian' definition of the state" (Schoeman, 2008). Max Weber (1946: 77 – 80) described the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory". The significance of this definition is that Weber argued that other institutions and individuals have the right to use physical force only to the extent that the state permits it. As a result, the state has the sole right to use violence. According to Eriksen (2006: 2 – 6), the second underlying, or "Lockean" approach to explaining state failure is supported by authors such as William Zartman (1995) and Robert I. Rotberg (2003), "who interpret the role of the state as that of a service provider. In this view, states fail when the latter can no longer provide the services for which it exists. Apart from the fact that it is expected of the state to provide security for its citizens, it is also the state's duty to deliver other public goods in various social sectors. State failure can be seen as a *condition* in which the state cannot provide political goods to its citizens and the international community. These goods include security, border control, political structure, physical infrastructures, a judicial system, education and healthcare, and commercial and banking systems" (Schoeman, 2008) (Also compare USAID, 2005; Giorgetti, 2010: 43). In order to determine the degree to which states experience deterioration, Rotberg (2003a: 2 – 4) measured the ability of each of the categories of states that he identified to deliver 'political goods' to its citizens. In this regard, he argued that "nation-states exist to provide a decentralised method of delivering political (public) goods to persons living within designated parameters (borders). Having replaced the monarchs of old, modern states focused and answered the concerns and demands of citizenries. They organised and channelled the interests of their people, often but not exclusively in furtherance of national goals and values, buffering or manipulating external forces and influences, championing the local or particular concerns of their adherents, and mediating between the constraints and challenges of the international arena and the dynamism of their own internal economic, political and social realities" (Rotberg, 2003a: 2 – 4). The degree to which a state succeeds or fails to deliver important 'political goods' will determine whether it is classified as weak or strong (thus

adhering to the requirements of an ideal-type state). This classification is further discussed in the following section. Rotberg (2003a: 2 – 4) defined 'political goods' as "those intangible and hard to qualify claims that citizens once made on sovereigns and now make on states. They encompass expectations, conceivably obligations, inform the local political culture, and together give content to the social contract between ruler and ruled that is the core of regime/government and citizenry interactions".

The fragile state discourse "justifies its use of a state-centric approach because no other form of social organisation has ever succeeded in replacing the state, nor has any other form been as comprehensive in terms of its characteristics and function. The ideal-type state remains the only 'standard' against which conditions in other states can be measured" (Schoeman, 2008). In addition, Eriksen (2006: 7 – 8) "provided three reasons why theories of liberal democratic Western states (ideal-type state used by the 'failed state thesis') are relevant for understanding non-Western states (often characterised as failed). Firstly, it must be acknowledged that the formal institutions of all states are constructed on the European model of statehood. Although institutions (such as courts, parliaments and bureaucracies) in post-colonial states have been imported in the sense that they originate from Europe, they nevertheless remain the basis for all contemporary states. Secondly, regardless of whether states are Western or non-Western, they all form part of the global system of states. The modern state form is, therefore, universally recognised as the fundamental political unit. Thirdly, when the focus is on social scientific analysis, one is compelled to use the language of that science, which, in this case, happens to be Western in origin" (Schoeman, 2008).

Regardless of their defence of the state-centric approach, the fragile state discourse is accused of having misconceptions about the dynamics and realities in these states. The first concerns long-established perceptions about violence and civil wars and how societies can descend into chaos without any particular cause. This might be interpreted as the West disclaiming responsibility for destabilising these states in the first place because, in many instances, it is the economic actions (often causing poverty and suffering) of the Western states that cause the instability. In recent years, one of the most reliable indicators of state collapse has been the West's pressure to hold competitive elections in tense political environments (Chuter, 2009: 36). The second section examines the application of rather

crude Hobbesian logic to the African state problem. Hobbes' views on nature (in which life is portrayed as harsh, brutish, and brief) paint an unrealistic picture of reality. His ideas about the social contract, on the other hand, are problematic because they imply that the populace will voluntarily cede total power to an authoritarian and unaccountable state in exchange for protection. Contrary to popular belief, the latter is one of the ways in which fragile states are defined (Chuter, 2009: 36). A third misunderstanding concerns the notion that the state is an autonomous Weberian actor that operates independently of civil society and is only subject to impersonal bureaucratic rule. Especially in Africa, state autonomy is frequently used as a convenient cover for the real interests of politics, business, and organised crime (Chuter, 2009: 37).

Fourthly, the state is often perceived as an exclusive actor, meaning only the state can carry out a number of essential functions. According to some, if the state does not perform a particular function, that function is not performed. This is not the case, as numerous informal networks frequently overlap with the state and are more effective at getting things done than the state. Numerous African states have remained viable despite the collapse of their government structures, owing to the persistence of non-state social structures that have frequently overlapped with state structures. What may be described as corruption from a Western perspective may be a mechanism for social survival to substitute the states' inability to allocate resources or get things done (Chuter, 2009: 37 - 38).

Additionally, it can be described as a broad phenomenon with numerous interpretations, which lends itself to debate and confusion. This is demonstrated by the concept's wide range of definitions and terminology. The most frequently used terms are failed, failing, collapsed, and fragile, as well as, more recently, ungoverned or poorly governed spaces. What is problematic about these definitions is that they are often used as if they share the same meaning or used as descriptors of different degrees of failure on a spectrum or continuum of state failure. The categorisation of various concepts, as well as other variants of the concept, has become widespread among scholars and practitioners, with several less offensive perspectives developed to promote western humanitarian, reconstruction, and security policies toward fragile states. These include novel perspectives such as the 'whole of government', the '3D' ('defence, diplomacy, development'), and the '3C' ('coherent,

coordinated, complementary') approaches developed to advance Western humanitarian, reconstruction, and security policies in relation to these so-called fragile states. International and regional organisations such as the World Bank, the OECD (Organisation for Economic Cooperation and Development), and the European Union have also developed similar principles for effective international engagement in fragile states. In response to the 9/11 terrorist attacks, the September 2002 US National Security Guidelines declared that failed states posed a greater threat to states' national security than states with conquest ambitions (Grimm *et al.*, 2014: 198).

Most of these classification categories boil down to the lack of different degrees of state capacity and service delivery abilities. This convergence of policy and research priorities fueled the 1990s rise of the fragile state agenda (Grimm *et al.*, 2014: 199). These various classifications frequently cause confusion. Francois and Sud (2006: 143 – 145) defined state failure as a functional event that occurs when a state becomes incapable of carrying out its primary responsibility. State collapse is a much more rare institutional occurrence. It occurs when state institutions completely disintegrate, resulting in political disorder and a vacuum of authority. Thus, when a state fails, the government typically remains relatively intact; however, when a state collapses, the absence of a governing regime can render standard international diplomacy and/or coercion completely ineffective. Fragile states, in the context of this argument, are prone to future failure. As a result, state fragility precedes state failure (Naude, Santos-Paulina and McGillivray, 2008: 1; Steward and Brown, 2009: Internet).

In light of this rather befuddling array of categories and definitions, the literature can be classified into two distinct groups: problem solvers and critical scholars. Problem solvers are concerned with performance and seek to make recommendations to governments, international institutions, and technical agencies on how to improve their conditions. Critical thinkers question the value, significance and meaning of the fragile state concept. Problem solvers have attempted to determine the degrees of deterioration in fragile states by formulating different classification models of fragile states and predicting the likelihood of failure within different scenarios. Additionally, some problem-solving scholars have examined the roles of state and non-state actors in state-building exercises. In terms of methodology, some scholars in this category have taken a quantitative approach to quantifying state

fragility, whereas others have taken a qualitative approach, examining specific mechanisms of state fragility through case studies (Grimm *et al.*, 2014: 201 – 202).

Thus far, the characteristics of fragile states and the historical context within which they developed, have been discussed in fairly broad terms. However, governments, observers and aid agencies, amongst others, have based the information that they require and the support that they are willing to provide on more target-specific information. Thus, conditions in target states have to be more directed and detailed. For this reason, several classification models have been developed to group states according to the levels and degrees of deterioration observed within their borders. The latter has become important indicators for action and support from both the development and security fraternity and, therefore, deserve a more detailed discussion.

3.3.1   A Classification of Fragile States

Schoeman (2008) argued that "in an attempt to determine the degrees to which different (weak) states are unable to comply with the minimum requirements of statehood, several 'problem solvers' such as Geldenhuys (1999), Rotberg (2002) and Gros (1996) have developed classification models in which the degrees of deterioration in these states are measured against conditions in an ideal-type state (referring to Weber's definitions of the state)". Mills (2014: 41) argued that a taxonomy of states along the lines 'strong', 'weak', 'failing' and 'collapsed' had to be developed by scholars and practitioners as a means to distinguish between different levels of deterioration amongst states. It would obviously be easier to identify failure in states (for example, Sierra Leone, Afghanistan, Somalia or Liberia that experienced high levels of violence and refugee flows. It is much more difficult to "judge when a state has pursued policies leading to a collapse in state functions and economic attributes just short of a loss of social control" (Mills, 2014: 41). Therefore, it is more complicated and difficult to determine when a state is failing based on, for instance, a middle class eroding or when there is an incapacity by the government to provide essential services. Classification models have also been developed by donor organisations, government agencies and research institutes such as USAID, the US-based Political Instability Task Force (University of Maryland), the World Bank, the British Department for International Development (DFID), the Central Intelligence Agency's (CIA) Directorate of Intelligence in 2000 as well as the Crisis States

Research Centre at the London School of Economics (Di John, 2008: 6 – 9). In a report prepared for the US Congress, the Congressional Research Service focused on state functions or lack thereof in their analysis. USAID established policy objectives for intervention in 'fragile states' in 2005, based on the degree of political authority weakness, the state's capacity to provide basic services to its population, and the government's legitimacy. The same year, under the auspices of the OECD, a number of developed and developing countries endorsed the Paris Declaration on Aid Effectiveness, pledging to make aid effectiveness a high priority and to adhere to the principles of 'harmonisation', 'alignment', and 'ownership' of aid delivery. Five categories of fragility were identified in a Canadian government concept paper titled Country Indicators for Foreign Policy (CIFP) to illustrate the diversity of definitions. Fragile states are defined in their discussion as those regimes that lack the institutional capacity to provide basic security within their borders, the institutional capacity to provide basic services to their populations, and the legitimacy to represent their populations at home and abroad. Weak states are prone to failure due to limited government capacity, a stagnant economy, and the government's inability to ensure security within its territorial borders. In failing states, all the key elements of failure are apparent, and the dispensation experiences organised political violence because of weak or non-existent peace processes. In failed states, conflict is at the order of the day, the economy has collapsed, and a humanitarian crisis becomes part of daily existence. The worst case scenario is reflected in collapsed states where any form of meaningful government ceases to exist. These states devolve into geographical manifestations devoid of authority, legitimacy, or capacity. The London School of Economics' Crisis State Research Centre (CSRC) defines fragile states as those that are susceptible to crises caused by internal and external shocks, such as domestic and international conflicts. These include lax property rights, which exacerbate economic stagnation and low growth, extreme inequality, political exclusion based on ethnic origin, religion, or region, and divided security forces. The crisis state is constantly put under strain and pressure to deal with these conflicts and shocks. Fragile states, according to the Centre for Research on Inequality, Human Security, and Ethnicity (CRISE), are those that are in danger of losing authority, socioeconomic entitlements, or government legitimacy. Fragile states are vulnerable to failure on three fronts: a lack of authority to protect citizens from violent threats, a failure to ensure citizens have access to critical services, and a lack of government legitimacy, which is exacerbated in non-democratic or authoritarian regimes, where governments frequently receive little

political support from their citizens. Finally, the United Kingdom's Department of International Development's (DFID) Glossary defines fragile states as those in which the government is unable or unwilling to perform essential functions for the majority of its population. As a result of this analysis, the term 'fragile state' appears to be a vague and normatively loaded concept, as it is frequently unclear what is being defined. As a result, its definition is highly contentious, and its application has far-reaching implications (Taylor, 2013: 18 – 21). According to Taylor (2013: 15 – 18), the simplest way to identify a failed state is to refer to the US Fund for Peace's Failed State Index (FSI), which is published annually in the Foreign Policy journal. The FSI began its comparison in 2005, using 12 variables to assess states' performance on political, economic, and socioeconomic issues on an annual basis. These criteria include increasing demographic pressures, refugee movements, group grievances, chronic and sustained human flight, unequal economic development, poverty and severe economic decline, state legitimacy, progressive deterioration of public services, violations of human rights and the rule of law, security apparatus, the rise of factionalized elites, and external intervention. Many development agencies and security practitioners have become very dependent on the data provided by these studies (Global Fund for Peace, 2013: Internet). Depending on how a state performs, it can improve or worsen its position on the ranking every year, number one being the worst position that a state can occupy. Zimbabwe has, for instance, moved its position from number 15 in 2005 to the 10th position in 2019. Somalia has occupied the number one position since 2005 until it was 'dethroned' by Yemen in 2019 (Global Fund for Peace, 2019: Internet).

All of the approaches discussed previously quantify degrees of stateness along a continuum, beginning with states that satisfy the classical Weberian criteria for statehood and ending with states that satisfy none of these criteria for successful statehood. The closer a state comes to fulfilling the ideals of statehood, the closer its position will be to the ideal-type state, implying a lower degree of failure. States with limited or no capacity to meet statehood requirements are further removed from the ideal-type state, indicating greater degrees of deterioration. Despite minor differences, the majority of classification models classify failed states into a number of broad categories, including soft, weak, failing, failed, and collapsed states.

Throughout the above discussion, the reader was broadly introduced to the body of literature that attempted to determine why some states experience such problematic levels of deterioration that they are in danger of failing or even collapsing. Commentators using such terms as 'pre-modern states', 'disrupted states', 'poor performers' and 'complex political emergencies', however, only provided the reader with a very broad and rather unspecific introduction to a fairly complex field of study. Therefore, the emphasis of the research has to shift to the body of literature that focuses more specifically on the different degrees of failure that exists amongst states that are, for instance, classified as 'poor performers' or 'disruptive'. Generally, this body of literature is referred to as the 'failed state thesis.' According to Schoeman (2008) "the 'failed state thesis' refers to an explanation about the socio-political crisis as well as the body of literature in which this argument is developed and promoted. In short: (T)he principle aims of the literature, therefore, are to investigate and explain why state failure occurs; to outline and identify ways of identifying failed states; to identify states that are failed or are in danger of failing; to describe the processes of failure; and to consider how state failure can be either prevented or reversed".

Raeymaekers (2005: 3) asserted that contemporary academic analysis of state failure and collapse has a number of significant flaws. Numerous analytical models have been proposed over the years within the established categories of analysis (in light of the State Failure Task Force Report's findings), but none have succeeded in distinguishing state collapse from general political crisis. Schoeman (2008) added that "the literature on state failure and collapse suffers from many dangerous flaws. It is littered with obscure definitions, and the causes and consequences of the concept tend to be blurred. The flaws and obscurities have become painfully apparent in recent 'failed state thesis' vocabulary where descriptions such as 'quasi', 'weak', 'failed', 'failing', 'flawed', 'fragile' and 'collapsed' have been used by different observers as if their meanings are exactly the same. Words such as weak and failed are, for instance, used interchangeably to describe conditions in states that might actually be collapsing".

As mentioned earlier, Schoeman (2008) argued that "a number of problem-solving scholars such as Geldenhuys (1999), Rotberg (2002) and Gros (1996) have developed classification

models in which the degrees of deterioration in these states are measured against conditions in an ideal-type state (especially referring to Weber and Migdal's definitions of the state). This approach gauges degrees of statehood along a continuum starting with those states that meet classical Weberian criteria of statehood and ending with those that meet none of these criteria of successful statehood. The closer a state comes to fulfilling the ideals of statehood, the closer its position will be to the ideal-type state, indicating that it has a lesser degree of failure. States that have a limited or no capacity to fulfil the requirements of statehood are placed further away from the ideal-type state, indicating higher degrees of deterioration". Mills (2014: 39), however, argued that it is still very difficult to fit all fragile states into one typology or classification since not all of them suffer from the same combination of ethnicity, lack of infrastructure, lack of good governance or dependence on one export product. Different forms of state fragility can be identified, making it necessary to categorise these differences alongside a "spectrum of fragility".

In his approach, Geldenhuys (1999: 37 – 55) distinguished between three types of failed states which experiences different degrees of deterioration if measured against the ideal requirements of statehood. Other scholars, however, have also made contributions in terms of this particular classification model.

3.3.1.1 Soft states

Soft states are characterised by endemic corruption within their governing institutions, although they still meet most of the requirements of statehood. When a state is classified as soft, its institutions are already experiencing problems maintaining order, structure and the effective delivery of services to its population (Geldenhuys, 1999: 38 – 39). Corruption within its government institutions becomes an endemic problem, although it can still fulfil all the basic requirements of statehood. Duvenhage (2003: 9) argued that these states are experiencing the first signs of system tension or friction. The latter refers to a situation that compromises the political system's effective functioning in terms of the provision of political goods and other outputs. In serious cases, this state of affairs can lead to the suspension of parts of the system, often referred to as component failure.

3.3.1.2   Weak States

Weak states are characterised by serious divisions and antagonisms amongst their population. When system tension (characteristic of conditions in soft states) begins to escalate, it can eventually degenerate into what Duvenhage (2003: 11) described as a condition of dynamic equilibrium. The latter frequently occurs in weak states. Dynamic equilibrium refers to conditions where a surrounding crisis leads to an indefinite dynamic (unpredictable change), which makes abnormal demands on the capabilities and capacity of the system. This dynamic does not present a threat to the system as a whole but can be bound by time (in the case of a war that occurs over a specific period of time), bound by a geographical position (where a crisis occurs in a particular region) or bound by terrain (for example, the outbreak of an epidemic, political instability and the suspension of democracy in Lesotho, Nigeria and Pakistan). In an attempt to sustain order and stability (equilibrium), governments in weak states often have to use emergency measures and apply crisis management. In these dispensations, governments often do not have enough political and social consensus to prevent or eliminate the use of violence as a key element of national life. For Baker (1999: 131), "(T)he weak state with its low penetration and low capacity to regulate social relationships, or to extract and allocate resources, is a familiar concept. Policies are not adequately designed or implemented, taxes are collected haphazardly, medical and educational services are reduced to a minimum, roads deteriorate, civil servants are paid irregularly and large portions of the population ignore legislation or even set up parallel political authorities and service provision".

Mills (2014: 39 – 40) argued that although these states are in better shape than façade (collapsed) states, with a leadership that seems competent and government policies that, on the surface, seems sound at closer inspection, these states lack an efficient ability to deliver services mainly because the elites are uncommitted to these institutions beyond conditions imposed from outsiders. Their own constituents are also unable or incapable of holding them accountable because of apathy, ignorance, survival or identity. States that fall into this category are not "collapsing" because of endemic violence but rather "frailty" in terms of poor social indicators such as low growth and inter-communal tensions.

Duvenhage (2003: 12) further argued that when a state reaches a condition of dynamic equilibrium, critical functions of the political system such as law and order, criminal law, defence, health, education and necessary bureaucratic and administrative business come under increasing pressure or show an inability to provide services required to ensure the authoritative allocation of values. The most extreme type of deterioration in this classification is referred to as failed states. In such states, law and order have already collapsed to such an extent that its survival as a single political entity is under threat. Buzan (1991: 100) identified six possible characteristics of weak states: a high level of political violence (Afghanistan, South Sudan, South Africa); a 'political' police force that is frequently mobilised to harass, intimidate, and scare the populace (China, Iraq under Hussein, and North Korea); and large-scale political conflict over which ideology should be used to organise the state (China, Iran, East-Germany before 1989). In one of the most authoritative references to weak states, Joel S. Migdal (1988: 4) emphasised that these dispensations have a limited ability to penetrate society or parts. Therefore, they are unable to regulate social relationships within societies and fail to effectively utilise human and natural resources to benefit the whole society. Subsequently, such a state loses the sovereign authority to allocate values authoritatively for the entire society. According to Duvenhage (2003: 14), a disturbing result of the latter is that other entities (for example, private security companies such as 'Executive Outcomes') exploit the government's inability to allocate values authoritatively and then partly take over these responsibilities. The state no longer owns the sole mandate to allocate values authoritatively and now consists internally of a number of competing and conflicting groups that often have violent relations with one another. According to Geldenhuys (1999: 43), most weak states can be found in the developing world. Especially in Africa, some of the blame for this state of affairs must be placed on the arbitrary and artificial colonial borders which 'encaged' ethnic groups within specific territories. Many African states can literally be regarded as melting pots of ethnic diversity where the different groups all seek to have their own place in the sun. As a result of this, the recent rise of ethnic nationalism can be viewed as an important indication that a state might be weak.

3.3.1.3 Failed states

In a classic definition of the failed state, Helman and Ratner (1992/93: 3) asserted that "from Haiti in the Western Hemisphere to the remnants of Yugoslavia in Europe, from Somalia, Sudan, and Liberia in Africa to Cambodia in Southeast Asia, a disturbing new phenomenon is emerging: the failed nation-state, utterly incapable of sustaining itself as a member of the international community. Civil strife, government breakdown, and economic deprivation are creating more and more modern debellatios, the term used in describing the destroyed German state after World War II". Based on the abovementioned comments, it can be argued that the occurrence of failed states is not limited to specific areas but is a worldwide phenomenon. The continuing deteriorating conditions mentioned above are referred to as 'system collapse. Duvenhage (2003: 17) described it as a condition where the state structure has become something similar to a drowning person within the dynamics of a rapidly changing political environment where order and regularity as a characteristic of the politics of structure made way for another 'regularity' associated with chaotic systems. A characteristic of a society that experiences system collapse is its unpredictability, disequilibrium and the non-existence of mechanisms to manage conflict. Effective and system bound conflict resolution mechanisms are in many cases replaced by patterns of uncontrolled political violence. The senseless explosions of ethnic and other violence in Liberia, Somalia, Rwanda/Burundi and the DRC are examples (Eriksen, 2009). Duvenhage (2003: 17 – 19) further stated that system collapse could manifest itself under different conditions.

Rotberg (2002a: 93 – 94) believed that state failure is fundamentally a creation of man but is also assisted by geographical, environmental and external factors. Bad leadership and management decisions have led to the destruction of many states, preventing existing dispensations to effectively counter the consequences of state failure. Mention can be made of a few leaders in Africa that have been guilty of bad leadership. These leaders include Mabutu Sese Seko of former Zaire, Eduardo dos Santos of Angola, Samuel Doe and Charles Taylor of Liberia, Robert Mugabe in Zimbabwe and Mohammed Said Barre of Somalia. According to Rotberg (2002b: 128), these leaders often exercise dictatorial powers over the legislature and bureaucracy, disrupts the judiciary's effective functioning, and takes control

of the security and defence forces. Bad leadership is often also a reflection that things are not much better in government institutions.

Rotberg (2002a: 87) contended that "failed states contain weak or flawed institutions – that is, only the executive institution functions. If legislatures exist at all, they are rubber stamp machines. Democratic debate is noticeably absent. The judiciary is derivative of the executive rather than being independent, and citizens know that they cannot rely on the court system for significant redress or remedy, especially against the state". The fact that only the executive seems to function normally can indicate that these leaders usually surround themselves with a small elite of confidants (as members of the executive) who then enforce their authority upon the other components of government. Even the bureaucracy loses its sense of responsibility and only functions to execute the orders of the executive and assist in the suppression of the citizenry. In many failing states, the military remains the only institution with integrity, although they are often highly politicised. The governing elite can often maintain their dominance by controlling governing power directly or form alliances with indigenous politicians (usually in terms of clans or tribes) and soldiers. Such agreements usually require that the latter protect the interests of the governing elite (in exchange for a fee paid to them by the elite) if parties outside of the agreement should pose any threat. Governments of failed states often provide unprecedented riches and economic opportunities to the members of this exclusive elite group. As the members of this exclusive 'club' become richer and richer, the state's citizens are usually faced with aggravating poverty. The traditional role of the nation-state, looking after its citizens' interests and well-being, is therefore totally absent within this milieu. Another feature often associated with failing states is its government structures that are controlled by the military. Such dispensations not only include the military (of which the armed force, air force and navy are components) but often also the police and paramilitary forces (Rotberg, 2002a: 87).

According to Baker and Ausink (1996: Internet), security forces are often organised as a praetorian guard to protect isolated and unpopular leaders, or organised into private militias to protect unpopular governments against the criminality of the population, or operate as officially sanctioned hit squads to terrorise political opponents. In military regimes, the

security forces reflect the social divisions within communities. The state within a state can degenerate into a military within a military, protecting only the interests of the dominant military clique. In this regard, Gros (1996: 463 – 464) asserted that members of the military are usually poorly trained, ill-equipped in terms of discipline and cannot distance themselves from factional politics. A direct consequence of a poorly trained military is that they cannot provide effective protection to citizens. In contrast to the situation in strong states, governments in failing states often lose control over their borders and even parts of their territory. This can usually be ascribed to a situation where such states are so paralysed by serious internal conflicts that the government can only maintain control over the capital city and surrounding areas whilst opposing rebel groups control the rural areas. As indicated on a world map, the borderlines of the state are often not a true reflection of the actual prevailing political conditions. The fact that the government only has control over part of its territory indicates that such a state consists of two states. A criterion often used to determine the extent of deterioration in a state is calculating the amount of territory that such a state still controls. In African states such as Liberia, Sierra Leone, the DRC, and Angola, the government institutions have, to such an extent, lost control over parts of their territories that normal statutory functioning has become impossible (Rotberg, 2002a: 86).

In this regard, Rotberg (2002a: 87) argued that "failed states are unable to provide security – the most central and foremost political good – across the whole of their domains. Citizens depend on states and central governments to secure their persons and free them from fear". As already mentioned, many governments can only control their capitals and it becomes impossible to secure the safety of citizens in areas outside the city perimeter that rebel groups control. As the government loses its ability to provide security, it also loses legitimacy amongst its citizens "when its nominal borders become irrelevant and when one or more groups seek autonomous control within one or more parts of the national territory or, sometimes, even across its borders". To make matters worse, if the government then distributes what is still left of its capacity to advance a small elite group, it is only logical that it would lose its right to exist in the eyes of the majority of the population. Because of the government's lack of legitimacy, the citizenry often shifts their loyalties to tribal chiefs or other ethnic, religious or language groups within society. As tribal chiefs become more

popular, their support base expands to the point where they desire even more power and influence. The latter is popularly referred to as 'warlords'. Warlords can become so powerful that they establish their own private militaries, utilising control and defending specific regions within the state in a violent manner. In states controlled by a number of warlords, the likelihood of bloody conflicts breaking out continuously is very high. In these conditions, small arms are usually readily available, people can be easily indoctrinated to participate in acts of revenge, and the idea of 'self-determination' often becomes a tempting proposition to people who have lost everything. Although many citizens shift their loyalty to warlords, their safety and security conditions hardly ever improve. On the contrary, many warlords are just as guilty of murder, pillaging and torture in the name of protection as the very government institutions the citizens wanted to get rid of in the first place (Rotberg, 2002a: 87).

As indicated earlier, a combination of bad leadership and a lack of democratic principles are often responsible for many of the problems in failed states. Within a democratic system, bad leadership can be eradicated by the population when they vote during elections. In states plagued by failure, democratic principles are usually not respected, and the authoritarian policies of the leader contribute to the estrangement of the population. For Mills (2002: 87 – 88), Africa is characterised by more armed conflicts than any other world region. According to Gros (1996: 464 – 465), a sharply increasing population and decreasing natural resources can further contribute to deteriorating conditions in these states. In the early 1980s, the population of Rwanda increased by 601 people per square mile per year. This country is still regarded as the most densely populated on the continent. Ethnicity (with particular reference to ethnic differences) on its own cannot cause a state to fail and has to be observed in terms of its relationship to other contributing factors. States such as Rwanda and Somalia have fairly homogenous populations although, conditions of failure and collapse have been rife here. In contrast, the population of Cameroon (regarded as one of the more stable African states) consists of at least 150 different ethnic groups. Cameroon is also the only African state colonised by both the French and British. In most cases, ethnicity only becomes a destabilising factor when insecure elites exploit and manipulate group differences to consolidate their own position. In addition to this point, Mazrui (1995: 30) asserted that states can fail due to too many or too few ethnic groups. Uganda is used as an example of a state that experienced

failure because of its diverse ethnic composition. The government was unable to process the pressure of the different ethnic-cultural claims.

Somalia serves as an example of a state that collapsed, although it has relatively few ethnic groups. The importance of the role of ethnic conflict in state failure can, however, not be ignored. All of the 31 most serious conflicts that occurred in the world after 1994 had domestic origins. In the five years that followed the first Gulf War, the United States was involved in 27 operations to prevent ethnic conflict (Baker & Ausink, 1996: Internet; Rotberg, 2002a: 86).

Baker and Ausink (1996: Internet) identified 10 criteria (concerning the role of ethnic groups) that can serve as indicators of possible state failure: demographic tension; an abnormal increase in the movements of refugees; unequal economic development along ethnic lines; a heritage of vengeful group complaints or group paranoia; the criminalisation; the delegitimisation of the state; a serious economic crisis; a large-scale and chronic human exodus; the progressive deterioration of public services; and the suspension of the Rule of Law. Call (2015: Internet) argued that the world experienced at least two decades of steady progress towards peace after the end of the Cold War. The situation, however, soon changed. After declining by one-third since 1991, the number of conflicts increased by 25% between 2012 and 2014. Furthermore, the number of war casualties also increased by 25% in the same period. It is estimated that in 2014 a total of 101 400 casualties of war was the highest recorded since 1945. The blame for much of these conflicts can be laid at the door of fragile states as the source of most of these humanitarian and security challenges, providing a breeding ground for terrorism, pandemics such as Ebola and criminal organisations. The unfortunate reality is that none of the strategies so far employed by the international community has been successful (Call, 2015: Internet).

According to Ali Mazrui (1995: 29), state failure in Africa can often be attributed to two factors that are in constant interaction with one another. On the one hand, he identifies regimes with too much government (tyranny) and, on the other hand, regimes with too little government (anarchy). Both these factors can eventually lead to state failure. Somalia under the rule of

Said Barre is an example of a state that collapsed because of tyranny. In contrast, the Congo of the 1960s (now called the Democratic Republic of the Congo) were characterised by conditions of anarchy, which almost destroyed the state had the United Nations not intervened. Another unsolved dilemma seems to be the fact that civil-military relations are often very tense. Military regimes often lead to too much government. In other regimes such as Nigeria and Sudan, politicians are in constant conflict with one another while also stripping the state of its resources, leading to too little government.

Mazrui (1995: 29 – 30) further contended that the dilemma of too much government against too little government could also be ascribed to the party system within some states. One-party states, for instance, tend to encourage too much government, whilst multi-party states have the opposite effect. Here, the competition between different ethnic groups (each group organising themselves into parties) can weaken the system. Somalia is used as an example of a state whose population became divided by the same cultural orientations. Although this state can be regarded as culturally homogenic, it also has strong plural features with a number of internal conflicts between factions and tribes. Said Barre abused this 'hidden' pluralism (regardless of the shared culture) by playing off the authority of the different tribes and factions against one another, which eventually caused the total collapse of this state.

In his influential work, *The State in Africa. Politics of the Belly*, Jean Bayart (1993: viii) uses the "historicity of the African state" as a point of departure. He argues that African politics must be understood in the context of the continent's long-established traditions of government (Clapham, 1994: 433). In other words, attention must be paid to the continuity of African politics throughout colonisation, decolonisation, and independence. Africa, therefore, has a long and rich history of governance prior to colonisation, but the history of Africa is often just portrayed as a doomed, crippled and strayed affair of a continent that is buckling because of outside influences. Rather than that, emphasis should be placed on the fact that African societies are distinct historical and political entities (Fry, 2009: Internet). They had to be observed on their own terms and as a product of their own terms, not as a failed attempt to mimic a model of government that was designed elsewhere (Clapham, 1994: 434).

Bayart (1993: 235 – 236) focused on the politics on the ground, which often do not fit into the social science models of political behaviour. He focused on skilful politicians operating for self-interest and, contrary to popular belief, are not just neo-colonial puppets manipulated by outsiders. He refers to instances where African politicians have cunningly manipulated foreign states and aid agencies, which contradicts the perception that African leaders are at the beck and call of Western powers (Clapham, 1994: 435). For Bayart, the African state has historically only been marginally affected by the intervening period of colonialism. To him, the African state is characterised by a poverty of its material resource base and by the need of those in power to obtain control of the economic resources. He asserted that leaders such as Houphouet-Boigny and Jomo Kenyatta used their political positions to enrich themselves as power from this vantage point is centrally concerned with access to wealth, referring to this as the "politics of the belly". The result is that financial transfers from the World Bank are merely channelled from the formal control of the state to the private accounts of the rulers (Clapham, 1994: 435).

Additionally, Bayart (1993) asserted that post-colonial African states are formed through a passive revolution in which the educated class seizes power and seizes the state's resources. By establishing a dominant class ideology, chieftaincy, bureaucracy, and party, this process unites elites from political society (political institutions, legal-constitutional control) and civil society (private and non-state spheres). Thus, the process entails the fusion of potentially antagonistic social groups in order to create a single dominant class with the stated objective of controlling the state (Clapham, 1994: 436; Fry, 2009: Internet). Bayart (1993) described this process as the "reciprocal assimilation of elites". Although Bayarts work is entitled "the State in Africa" (1993), he actually has surprisingly little to say about the state. His focus seems to be a preoccupation with structures and the behaviour of individuals and barely any focus on institutions. Furthermore, his dismissal of the differentiation of regime types (civil or military, capitalism or socialism, single or multi-party) as a waste of time is also questionable (Clapham, 1994: 437; Young, 1999: 151).

In an approach that is slightly different from the others, Homer-Dixon (1991: 76 – 78) found that the deterioration of states can often be attributed to geographical and ecological factors. He argues that changes in the environment can result in diverse conflicts such as wars, terrorism and diplomatic and trade disputes. Therefore, ecological changes can change the balance of power between states on regional or global level to such an extent that it can result in the outbreak of a full-scale war. Especially in the developing world, the inability of states to be self-sustaining in terms of food production often results in what Homer-Dixon (1991: 77) referred to as an 'international refugee' problem. Due to serious food shortages in their own country, these refugees stream across the borders of other states, often destabilising the domestic order in these states. A sharp decline in the availability of freshwater or where one state sabotages the water supply of another state can further contribute to conflict situations. A sharp decrease in food production can also lead to conflict between urban-rural and nomadic population groups.

Not all failed states can overcome their deep internal instabilities and degenerate into a state of disequilibrium. Disequilibrium is described by Duvenhage (2003: 15 – 16) as a situation where the state loses its position as a sovereign political institution to its society fragments and shivers into a number of groups and actors that all want a 'piece of the cake'. What is left of the government maintains a conflicting and even violent relationship with these groups. Because of the different conflicting power bases that operate within the state, the government loses authority and control over parts of its territory. In Liberia, for example, the government controlled the capital city of Monrovia but lost all its authority in the rural areas that rebel groups controlled. Under these circumstances, political stability becomes fluid and highly unpredictable because of the government's inability to provide security and means of survival to its citizens. The lack of political order and structure often leads to chaos and anarchy in which citizens tend to align themselves to other groups and structures to provide them with security and other necessities. In contrast to conditions associated with equilibrium (and where the structure still defines political 'rules of the game'), the main prerogative of dispensations characterised by disequilibrium is just to survive in an environment where the strong dominate at the expense of the weak, although it might only be temporary. Duvenhage (2003: 17) concluded that disequilibrium conditions could be so

destabilising that a critical threshold (bifurcation point) can be crossed, which could eventually lead to the total suspension or collapse of the state. As a result of conditions of disequilibrium, the state (especially in terms of its sovereignty and government) can potentially completely collapse. All that basically remains is a territorial area (which are, in essence, only a line on a map) and an utterly fragmented population that either participates in the conflict or flees. For this study, states like these are referred to as 'collapsed states'.

3.3.1.4   Collapsed states

Zartman (1995: 1) referred to 'state collapse' as the worst manifestation of failure. When the state reaches this stage, there is nothing left of a government's protection function characteristic of a strong, well-functioning state. These regimes are further distinguished by the complete collapse of state institutions such as the police and courts, which contributes to the government's paralysis, disregard for law and order, as well as criminality and chaos. According to Rotberg (2003a: 9), collapsed states can be regarded as a rare and extreme version of a failed state. For Milliken and Krause (2003: 2), 'full-blown cases of state collapse, "which involve the extreme disintegration of public authority and the metamorphosis of societies into a battlefield of all against all, remain relatively rare; in recent years only states such as Liberia, Sierra Leone, Somalia, Congo/Zaire and perhaps Albania seem to fit this definition". Because of the inability of such states to provide any political goods, the latter is obtained through external means such as warlords or anti-government military factions. The absence of any structured form of central government is exemplified by the fact that security becomes synonymous with strongman rule. Under such circumstances, a 'authority vacuum' develops (Rotberg, 2003a: 9).

Mills (2014: 39 – 40) described these states as nothing more than a façade of state attributes. A visitor would, for instance, find little here that represents the institutions and policies of a well-functioning, modern state, with the economy resembling a "pre-market" almost feudal functionality. Examples of states like these include Afghanistan, much of the Sahel region, the Congo, South Sudan, parts of West Africa and Somalia. Societal friction and contestation make violence frequent and often uncontrollable as the fault lines between different ethnic groups,

for instance, are poorly managed. The central government, or what is left of it, loses national control of parts of its territory, effectively turning these areas into "ungoverned spaces".

Zartman (2005: 7) added that, while no two cases of state collapse are identical, such dispensations are typically marked by the abolition of state institutions, as well as law and order, resulting in inhumanities and insecurity in neighbouring countries. Additionally, state collapse can be viewed as both a cause and effect of internal or civil wars. When internal instability exists, a weak and illegitimate order permits violence, which in turn consumes legitimacy and order. As the state's structure, authority (legitimate power), law, and political order deteriorate, so do its institutions' capacity to exercise authority over its political and economic territory (Zartman, 1995: 1 – 9; Cone & Solomon, 2004: 51 – 75). In other words, as Rotberg (2003a: 9) suggested, collapsed states "becomes a mere geographical expression, a black hole into which a failed polity has fallen. There is dark energy, but the forces of entropy have overwhelmed the radiance that hitherto provided some semblance of order and other vital political goods to the inhabitants (no longer the citizens) embraced by language or ethnic affinities or borders". In the absence of formal government structures, sub-state actors take over the role of rule and service provision. Warlords seize control of numerous areas and regions of what was once a sovereign state by developing their own security apparatuses and mechanisms, as well as markets and trading arrangements. Certain warlords even establish a weakened form of international relations, despite the fact that their rule is not internationally recognised.

Raemakers (2005: 2 – 3) identified two perspectives that have dominated the debate on state collapse. The first of these focuses on institutional breakdown. This view is associated with the contribution of William Zartman (1995: 1), who described state collapse as a situation where "the structure, authority (legitimate power), law and political order have fallen apart and must be reconstituted in some form, old or new". From this definition, it becomes clear that state collapse is interpreted in terms of the collapse of the government. It is further argued that only structures of public authority can guarantee the effective functioning of society at large and that the recovery of collapsed government institutions must be established at all costs. In the second perspective, emphasis is placed on the connection that

normally exists between institutional breakdown and a breakdown in society. Here, it is argued that weak societies have an inability to fill the institutional gaps that the collapsed government structures have left. As a result of the power vacuum created by the absence of a legitimate and authoritative government, warlords and gangs take over functions such as the organisation and allocation of political assets. In the absence of a social contract that is supposed to bind citizens to the state, warlords often use ethnic elements and sentiments as the source of identity and control over their supporters (Raemakers, 2005: 2 – 3).

In no less than five publications that appeared over a period of two years, Robert I. Rotberg (2002a: 85 – 96; 2002b: 127 – 140; 2003a: 1 – 25; 2003b: 1 – 9; 2004: 1 – 45) distinguished between three types of state deterioration, namely weak states, failed states and collapsed states, which differ to some extent from the Geldenhuys classification. Rotberg (2003a: 4) described weak states as "inherently weak because of geographical, physical, or fundamental economic constraints; basically strong, but temporarily or situationally weak because of internal antagonisms, management flaws, greed, despotism or external attacks; and a mixture of the two". Despite internal conflicts, government institutions remain capable of providing reasonably effective protection and public goods. This situation, however, dramatically changes when a state is classified as failed, as Rotberg (2002a: 85) described it as "tense, deeply conflicted, dangerous, and bitterly contested by warring factions." Government institutions lose control of portions of their territory and are unable to provide protection and essential services to their entire population. State collapse is the most severe symptom of state failure. Fortunately, they are a rare occurrence, characterised by the development of a serious leadership vacuum as all government institutions disintegrate. Many differences in their definitions can be observed regarding the different types of state failure distinguished by Geldenhuys and Rotberg. Especially in serious divisions and violent conflicts amongst the population, weak states in the Geldenhuys classification show similarities to the failed states in the Rotberg classification. Similarly, in dispensations that Rotberg classified as weak, the deterioration had not reached the extent as in Geldenhuys' conceptualisation of weak. In the Geldenhuys model, failed states are regarded as the worst manifestation of failure. Although law and order are non-existent and internal divisions and conflict are creating havoc, the state is still hanging on by the skin of its teeth in terms of its

survival. Rotberg and Zartman's idea of conditions in a failed state is basically similar, but he goes a step further by identifying 'collapsed' states as the worst possible manifestation of failure. Here, the state has not been able to survive as its institutions totally disintegrated and (what is left of) its territorial jurisdiction is ravaged by chaos and anarchy. In the Geldenhuys classification, the characteristics of soft states can be regarded as the least serious degree of deterioration. Therefore, in terms of institutional deterioration, soft states are still in a better position than weak states, but endemic corruption is already seriously compromising its effective functioning. Soft states can, however, develop into weak states if these problems are not urgently addressed. Despite a few differences between the Geldenhuys and Rotberg classifications, both focus strongly on the broad phenomenon of state failure characterised by different degrees of deterioration, which can evolve into something worse if current problems are not addressed. In order to accurately classify different degrees of failure, the contributions of Geldenhuys and Rotberg will be used in combination.

Although the Gros (1996) classification is helpful, it uses obscure terminology that deviates from mainstream concepts such as 'weak', 'failing' and 'collapsed'. However, some of the categories of state failure identified here show similarities to the Geldenhuys and Rotberg models. In his classification, Gros (1996: 458 – 461) identified five categories of failed states. In the worst manifestation of deterioration, anarchic states are characterised by the total absence of a centralised government. Here, armed groups, some of which operate under the instructions of warlords, fight for the eventual control of a non-existent state. The anarchic state shows strong similarities to Zartman and Rotberg's idea of a collapsed state. Closely related to the anarchic state is the so-called 'phantom' or 'mirage' state. In these states, "there is a semblance of authority that exhibits its efficacy in certain limited areas – for example, the protection of the presidential despot and his cronies – but in all others, it is utterly invisible" (Gros, 1996: 458 – 461). In terms of the lack of authority and loss of control over certain areas of its territory, the mirage state shows similar characteristics to the failing state (described by Geldenhuys and Rotberg in their classification models). In the third category, anaemic states also show some similarities to failing states. In this regard, Gros (1996: 459) stated that in anaemic states, "there is usually a modicum of centralised authority, but one that is so emaciated that state agents outside the capital city (or even in some neighbourhoods within it) are left entirely to fend for themselves; in essence, they

become local and regional bosses loosely affiliated with authority figures at the centre". The fourth category is referred to as captured states. The latter usually has a strong central government, but it is controlled by a dominant elite that excludes (and in extreme cases even eradicates) other elite groups. State failure occurs here not as a result of the absence or inefficiency of a central government, but rather because the state does not encompass the entire polis, and thus only those associated with the ruling elite. Captured states show some similarities to weak states, especially in terms of government institutions that function fairly effectively but within an atmosphere of societal divisions where only minorities reap any benefits. The fifth and final category encompasses states that failed *in vitro* (also referred to as aborted states); thus those that experienced failure before the process of state-building was compromised. Gros (1996: 461) identified Angola and Mozambique as possible examples because "they never achieved control over the legitimate means of violence since they have had to fight counter-insurgency groups, created and sustained by outside powers (the USA and South Africa) from the start of their independence existence".

In his explanation of state failure, William Zartman (1995: 1 – 11) used a different type of classification model, also compatible with the ones developed by Geldenhuys (1999: 38 – 46) and Rotberg (2003a: 1 – 25). In his work, *State Collapse,* he uses a classification system to determine the levels of failure in different African states. He focuses attention on three broad categories of states found in Africa and experiences different levels of deterioration. A stage of institutional recovery characterises the first group of states after they have completely collapsed sometime earlier. These states have had all the characteristics of collapse but are in the process of rebuilding and recovery. This category also serves as a beacon of hope for other states caught up in cycles of deterioration. They also prove that state failure and collapse are part of a process from which such a state can recover, not necessarily indicating the end of the state. A second broad category includes all those states that experience different levels of deterioration. The weak, failing and collapsed states identified in the Geldenhuys (1999), Rotberg (2003), and Gros (1996) classifications would all fit into this category. Here the broad spectrum of what is referred to as state failure can be found, with state weakness on the one end and state collapse on the other extreme end. The third category is characterised by those states with the potential to fail; they still do not have the symptoms of weakness (often the first stage of failure), but many danger signs indicating that

this might happen. In terms of the Geldenhuys (1999) classification, these states can already show signs of softness while a strong possibility also exists that the endemic corruption they might experience in their public institutions can lead to serious divisions within society.

The discussion thus far mentioned that the fragile state discourse can be both influential and controversial. It has defined the post-Cold War development and security discourses and provided governments and aid agencies with information and data on how to conduct their affairs and make policy decisions. However, over the last few years, especially, it has come under more severe scrutiny and criticism for the unscientific methodological approaches that it adheres to and the incorrect and exaggerated observations and claims that it makes. It is therefore important to focus on the body of literature that has been critical of this discourse.

3.4   CRITICISM OF THE FRAGILE STATE DISCOURSE

Since the Cold War's end, the fragile state discourse has gained prominence, particularly in International Relations circles. Following communism's demise, a new spirit of democracy appeared to spread across the globe, raising hopes that the world was finally entering a period of political stability and economic prosperity.However, it soon became apparent that democratisation would not be able to provide a quick fix solution to the underlying ethnic, religious and economic problems that the former Communist block and many (African) developing states faced. During the Cold War, many of these problems were artificially contained by the Superpower rivalry as the loyalty of their supporters (in many instances developing African states) were secured through financial aid and the supply of weapons in their quest for ideological dominance. The apparent failure of democracy to take root, accompanied by a number of catastrophic ethnic clashes (e.g., Bosnia, Rwanda, Liberia) and the deterioration of government institutions, encouraged a new body of literature that attempted to determine the reasons for the failure of these states. Although the view that fragile states are responsible for many of the world's ills has recently become influential, this body of literature has also come under severe criticism.

3.4.1   The levels of criticism

Some critics argue that the term 'fragile state' is descriptive and modelled on an ahistorical and ideal notion on what a perfect and ideal state should look like and therefore fails to explain the historical emergence of fragile states. The second and worse flaw of these definitions is that state fragility is identified as local and indigenous. It makes no mention of the international and local social ties that have resulted in states becoming embroiled in social, political, and economic crises (Brock *et al.*, 2012: 20). The failed state thesis is mainly criticised on four levels. On the first level, it is accused of being state-centric or even Euro-centric. At the second level, it is criticised for conveniently classifying failed states according to their stateness; the deterioration that these states undergo is compared to the characteristics of an ideal-type state in order to determine the degrees of failure they experience. At the third level, fragile states have been suspected of harbouring terrorist organisations, and at the fourth level, the theoretical credentials of the fragile state discourse are questioned.

3.4.1.1   The 'state-centrism' of the concept

A problem with the Cold War paradigm was that it tended to counterpoise the roles of state and society. Almost as if they were two distinct and incompatible entities, the latter were treated as such. This approach is frequently referred to as the Huntingtonian formula. This perspective emphasised the importance of strong post-colonial states capable of moulding and influencing societal agents in order to establish stability and political control. Throughout the 1980s and 1990s, this view dominated development politics and the promotion of democracy. Joel Migdal's 1988 book Strong Societies and Weak States was partially influential in this context. He argued that strong and weak states differ in their ability to penetrate societies and their inability to effect goal-oriented social changes. Migdal formulates the state in a neo-Weberian idealist fashion. Thus, the capabilities of the post-colonial state are compared to those of Western states. States' strengths, successes, weaknesses, and failures are reduced to an empirically observable capacity to manipulate coercive resources, resulting in an anti-democratic overtone of control and subordination (Bilgin & Morton, 2002: 62 – 63).

In their view, Boas and Jennings (2005: 387) asserted that the terms 'failing' and 'failed' "were simply the most recent in a long list of modifiers that have been used to describe or attempt

to explain why states residing outside of the geographical core of Western Europe and North America do not function as 'we' think they are supposed to". The apparent Euro-centric approach that is often used is highlighted here. The term 'failed state' is further poorly defined in reports coming from Washington, Brussels and other Western capitals. The concept is applied in a more descriptive and categorical manner than analytically, allowing for a narrow checklist approach to policy outcomes that may result in extremely misguided planning and intervention. Another issue is that failed states are viewed through the lens of Western security interests, which tends to obscure the fact that each crisis is unique and distinct (Boas & Jennings, 2005: 388).

Additionally, Boas and Jennings (2005: 388) discovered that the concept of state failure is based on the erroneous assumption of state organisation, structure, and behaviour uniformity. Schoeman (2008) added that "when a state is thus described as failed, the latter can be viewed as a normative judgement that is only meaningful if compared with something else. In this case, the existence of a Westernised healthy state has little relevance to most of the states in question because it has never existed there. This comparison thus entails neglect of history, demography, culture and economics and their relationship to regional dynamics and patterns. In this case, it is almost like comparing apples and oranges".

According to Hill (2004: 7 - 8), the failed state literature constructs a successful state definition used as a fixed point of comparison against which to contrast and evaluate the capabilities of states. This literature's successful state standard is based on the concept of positive sovereignty, which is based on Weber's ideal state. Once again, the European state serves as a model for statehood success. Thus, the failed state literature is founded on a European or Western universalism, as identification is accomplished through the establishment of a state/failed state dichotomy based on a fixed, universal definition of what constitutes a successful state. States are frequently defined as failed not on the basis of what they are, but on the basis of what they are not in comparison to Western states. Hill (2005: 139) criticises the analysis of the fragile state discourse from a post-colonial perspective for casting African societies specifically in the role of a deviant "Other" (outcasts) to those in the West. He also criticises the discourse's use of a comparative approach to classifying various degrees of failure, in which it compares African states to a static, ahistorical definition based on a

European value system and the organisation of their structures. Simultaneously, the conditions in fragile states are described negatively whilst those in western states are always positive. Hill (2004) rejects the term 'fragile state' and challenges the continued positioning of African states as a delinquent, deviant and imperfect "Other".

3.4.1.2   The flawed classification models

The classification models described earlier are based on a Western conception of the state. Therefore, it is seen as the personification of superior western states that sit in judgment of non-Western states, despite personal security for citizens and good financial management being institutionalised in western states only a century ago and the provision of social services even more recently. Western states' history is marked by numerous instances of state fragility, during which these institutions failed to provide the aforementioned basic services but, rather than devolving into anarchy and civil unrest, became less fragile and experienced economic growth and increased stability. This is not to say, however, that the development of the modern western democratic state has been without turmoil and bloodshed. On the contrary, Charles Tilly (1985) asserted that war created states and stronger states created more destructive wars, which were so prevalent in Europe between 1866 and 1945. Furthermore, fragility was incapable of resolving internal conflicts in these states. For several centuries (and well into the twentieth century), political elites attempted to suffocate the spirit of representative democracy that the French Revolution ushered in. However, increased stability and growth resulted in the formation of a middle class and a working class, both of which demanded a share of political power. Much of the security apparatus (such as the police and intelligence services) that characterises the modern state was initially established to protect the state from the growing demands of the populace. The latter caused social and economic conflict, which, in some cases, escalated into civil war (Chuter, 2009: 29 – 30; Taylor, 2013: 3 - 4).

Another issue is the so-called 'state convergence' thesis, which asserts that the modern state as it developed in Europe and North America over the last few centuries is the only true, stable, and mature model, while states in other parts of the world are classified as 'underdeveloped', 'pre-modern', or 'failed'. African states are frequently unfairly portrayed as incompatible with modern nation-statehood and thus compared to Western societies

negatively. In other words, African states are viewed as unfit for modernity from this stereotypical vantage point. This argument is strengthened further by the perception that European statehood evolved gradually from empirical to judicial statehood, whereas African statehood emerged abruptly as a result of colonialism. On the contrary, similar to the history of African statehood, the history of European state formation is marked by violence, war, military expansion, social exclusion, and economic exploitation (Hagmann and Hoehne, 2009: 45 - 46).

According to Bilgin and Morton (2002: 55), the social sciences as a whole have been annexed by a Cold War paradigm; as a result, current world events are still viewed through a theoretical lens that was relevant 40 years ago but is no longer relevant. The same is true of the failed state classifications or even taxonomies that have recently developed within the literature on failed states. Terms such as 'failed' or 'rogue' states are the latest in a long line of Cold War-era and post-Cold War representations of post-colonial states, including 'weak', 'quasi', 'collapsed', and 'failed' states. The postcolonial state has been framed through the lens of a straightforward failed state supposition. This method quantifies the degree of'stateness' along a continuum. It begins with states that meet the classical Weberian criteria for statehood and ends with states that do not meet any of these criteria for statehood success (compare the contributions of Geldenhuys [1999], Gros [1996], and Rotberg [2003] discussed earlier). The American CIA's Failed State Task Force and the Foreign Policy Journal's Failed State Index have taken similar comparative approaches, employing specific governance criteria and comparing failed state characteristics to them (Da Costa & Karlsrud, 2011: 4 – 5; Hill, 2005: 139).

Hagmann and Hoehne (2009: 44 – 46) discovered that the labels given to fragile states obfuscate important distinctions between them rather than accounting for them. For instance, a weak state may have such a robust security apparatus that it is capable of repressing its own populace. In comparison, an unrecognised or de facto fragile state may enjoy a higher level of popular legitimacy than recognised counterparts. This demonstrates the discourse's inability to comprehend empirical inconsistencies and divergent historical trajectories of state formation and erosion. Additionally, assuming that the driving forces of state collapse exist within a particular state demonstrates the discourse's inability to

comprehend that both emerging and collapsing states are components of a global system. In other words, domestic concerns such as civil war, ethnic identity, and authoritarian rule are prioritised over exogamous concerns (e.g., international political economy or transnational movements and forces).

Chuter (2009: 29 – 36) identified four additional pernicious problems at the heart of the fragile state debate. The first point of contention concerns the fundamental functions that a state is supposed to perform. Fragile states, they argue, are incapable of providing law and order as well as security to their citizens. Additionally, such regimes struggle to maintain regional and international order and stability by ensuring efficient governance (in terms of public finance management), providing social services, and upholding regional and international order and stability. This explanation demonstrates that the list of cited criteria lacks internal logic. For example, a lot of attention is paid to good financial management, but nothing about how people should be lifted out of poverty. In addition, law and order are highlighted, but the need for basic health care is neglected (Chuter, 2009: 29).

A second issue concerns the ostensible link between legitimacy and state fragility. It is argued that when a state's government and administration lack legitimacy or respect for the social contract with some or all of its population, the state risks becoming fragile. In broad terms, legitimacy refers to the population's acceptance of a government's 'right to rule' and its commitment to exercising state power in a manner that is reasonably just and in the national interest. According to the European Council, the social contract is broken when the state loses the capacity or will to carry out its fundamental functions, fails to meet its obligations regarding the rule of law, is unable to protect human rights and guarantee fundamental freedoms, as well as the security of its citizens, and is unable to reduce poverty and provide essential services. Several of these perspectives stem from development and poverty reduction thinking, while others come from human rights advocacy and the new governance agenda. As a result, an uneasy compromise has been reached. Almost any characteristic of the state (nation) or state (administration) can be regarded as a source of fragility depending on the perspective you represent. Even within similar western states such as the United States and France, there are divergent views on the role of the state. If services provided by the French government is, for instance, reduced to the same levels as their American

counterparts, massive civil unrest is likely to occur. In Africa, where very few governments have been able to provide services outside of their capital cities, very few people are even aware of it. Different state functions that are actually very different from one another are often grouped together even though they are contradictory. For instance, the OECD DAC argued that states are fragile when their structures lack the political will and capacity to perform basic functions such as poverty reduction, development, and protection of their citizens' human rights. Here, public security and human rights appear to conflict, prompting two thoughts. To begin, and in most cases, when a state increases the size of its police force, crime rates tend to decrease. However, crime frequently erupts during democratic transitions, forcing security forces to act more forcefully against dissidents. This immediately raises the issue of human rights, which have traditionally been viewed as rights won from the state by the people and include issues such as freedom of expression, assembly, and arbitrary detention. However, a government cannot always guarantee such rights because it may have to overrule them in certain circumstances, such as when the state's national security is threatened (Chuter, 2009: 28 – 33). The fragile state debate is harmed further by the influence of external actors, most notably the West and the international institutions it controls. Since the post-Colonial period, a debate has been fueled by whether western states have been responsible or contributed to the fragility of states. Especially in Africa, most state's economies, governments and security sectors have been micro-managed by western governments and institutions, and the results of this has been mixed (Chuter, 2009: 33 – 34).

A third misunderstanding concerns the notion that the state is an autonomous Weberian actor that operates independently of civil society and is only subject to impersonal bureaucratic rule. Especially in Africa, state autonomy is frequently used as a convenient cover for the real interests of politics, business, and organised crime (Chuter, 2009: 37). Fourthly, the state is frequently viewed as an exclusive actor, capable of performing a number of critical functions. According to some, if the state does not perform a particular function, that function is not performed. This is not the case, as numerous informal networks frequently overlap with the state and are frequently more effective at getting things done than the state. Numerous African states have survived despite the collapse of their government structures, demonstrating the persistence of non-state social structures that frequently overlap with state structures. What may be described as corruption from a

western perspective may be a mechanism for social survival to substitute the states' inability to allocate resources or get things done (Chuter, 2009: 37 - 38).

3.4.1.3   Fragile states as terrorist havens

The logic of classifying different types of failed states has also manifested itself within post-Cold War debates on security in the developing world. It has been argued that these states now pose serious threats to international security without attempting to determine why they have become weak in the first place while others gained strength. While labelling certain states as failed has facilitated the development of a variety of policies directed at two distinct groups of states: 'friends' and 'enemies'. When friends become a threat to international security as a result of their weaknesses, the recommended course of action is one of state building. When a weak state becomes an adversary, it is invariably constructed as a rogue state, with containment becoming the obvious policy choice (Bilgin & Morton, 2002: 66). State failure has evolved from a "strategic threat" to global stability to a threat to the international system of states as a whole in the aftermath of September 11. Prior to the 9/11 attacks, US President George W. Bush expressed a greater interest in nuclear weapons and their impact on relations with Russia, China, and Europe, and indicated that the US would take a more hands-off approach to Middle Eastern, African, and Balkan political issues (Helman & Ratner, 1993: 3 – 20; Raeymakers, 2005: 3).

The term 'failed state' was introduced for the first time in the United States government's 2002 *New National Security Strategy*, a foreign policy document released in response to the 9/11 terrorist attacks. Initially, the concept of failed state was unfamiliar to the average citizen; its use and application were restricted to observers and academics studying its regional consequences in Africa and Eastern Europe (Herbst, 1996/97: 120 – 144; Jackson & Rosberg, 1982: 1 – 24; Milliken & Krause, 2002: 753 – 774; Wolff, 2007: Internet). Failed states were identified as a threat to national security, with the rapid proliferation of weapons of mass destruction, cross-border criminal activity, and, of course, terrorism (Wise, 2004: 7; Takeyh and Gvodsev, 2003: 96). Rice (2003: 2) asserts that the *National Security Strategy* (NSS) placed a premium on "the threat that failed states posed in terms of providing safe havens for terrorist organisations." They posed grave threats to US interests in terms of refugee flows, illicit goods trafficking, peacekeeping and humanitarian assistance, as well as

lost trade and investment opportunities". As a result, numerous newspaper and academic articles fueled the perception that failed states had evolved into a serious national (American) and global threat (Wise, 2004: 14 – 15).

Dunlap (2007: Internet) argues that "failed states are currently a major concern for analysts and policymakers for three reasons. Firstly, because of the chaos and lawlessness that exist in these societies, terrorist organisations can conduct their activities without fear of capture or punishment. Government institutions in such states are just too weak, corrupted and distracted to find and eliminate terrorist groups from within their borders. In the second place, failed states often provide terrorist groups with access to all the necessary resources to conduct their activities, including money and recruits. These states provide ideal safe havens for criminal activities such as drug trafficking and diamond smuggling that terrorist groups often use to finance their activities. Thirdly, failed states provide terrorist groups with the protection of their sovereignty". Due to the fact that terrorist groups seek refuge within sovereign states' borders, they avoid capture by other states that may be hesitant to cross international borders to apprehend them. Especially from an American foreign policy point of view, democracy had to be promoted aggressively as the only solution to state failure (Takeyh & Gvodsev 2003: 7 – 8).

Despite its clout in international affairs, the ('primarily American') argument that failed states provide safe havens for terrorists has been challenged by a body of literature that includes the following contributions: Patrick (2006); Mills (2004); Von Hippel (2002); Laqueur (2003); Logan and Preble (2003). According to Patrick (2006: 34 – 35), the connection between state fragility and transnational terrorism is more tenuous than is frequently assumed. To begin, terrorist acts do not occur in all failing or weak states. Almost no terrorist activity occurred in the 49 countries classified as least developed by the United Nations. The lack or absence of state capacity (identified as a critical characteristic of state failure) alone cannot account for why terrorist activity occurs exclusively in certain regions, most notably the Middle East and wider Muslim world, rather than in other regions such as Central Africa. Second, only a small percentage of terrorist acts committed in weak and failing states are transnational. Numerous terrorist acts are rather self-contained actions carried out by insurgents motivated by local political issues or national liberation struggles (Patrick, 2006: 34; Mills, 2004: 157 – 169).

Thirdly, not all weak and failing states are equal in terms of the degrees of failure they experience. The fragile state discourse prefer to argue that terrorist groups are attracted to lawless polities such as Somalia or Liberia. In fact, terrorists are often more likely to use weak but functioning states such as Pakistan or Kenya as their organisational bases. Such states are usually badly governed, fragile and susceptible to corruption, providing easy access to the global economy, communication technology, transportation, and banking services. Africa's weak states might be more likely to provide sanctuary and stopover points to terrorists than collapsed states[5] (Patrick 2006: 35; Mills 2004: 161 – 162). Although weak and failing states can provide useful assets to transnational terrorists, they are likely less central to terrorist operations than widely believed. According to Mills (2004: 161), "there is no exact link between state weakness or failure and terrorist activity. On the contrary, it may be argued that for terrorists to operate effectively, they would also require key governance and infrastructure attributes such as regular flights, banking systems and reliable communication". Because collapsed states are lawless and violent, they are difficult and frequently unsuitable environments in which to operate.

In a more controversial statement, Logan and Preble (2006: 6) asserted that "at times, the claim that failed states are inherently threatening seem so dubious that one wonders whether the arguments may not simply be a vehicle for generating support for foreign interventions". According to some observers, the US is simply arbitrarily linking acts of terrorism to a very broad definition of failed states in order to justify its war on terror or to serve as a front for its imperial ambitions. With this in mind, they argue that broad assertions about the alleged dangers posed by failed states should be viewed sceptically. According to Schoeman (2008) "the U.S. government should, instead of issuing categorical statements about who or what they perceive to be failed states, examine countries, failed or otherwise, on the basis of discrete measures of threat assessment: to determine the intentions of governments and non-governmental organisations in terms of attacking the United States. Afghanistan again

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[5] Mills (2004: 161 – 162) argued that "lthough fragile states already experience a number of internal political and socio-economic problems, its institutions can still function relatively effectively. Such weak central government authorities would therefore be able to provide a route for bypassing international banking systems and financial scrutiny. The absence of local authorities makes it easier for external actors to use African territories as safe havens" (Mills, 2004: 161 – 162).

serves as an example that failed states cannot be overlooked but does not justify moving failed states to the top of the list of security concerns. Empirical data on failed states have proven that state failure rarely translates into security threats to the United States". As a result, it is argued that the US committed 'Strategic Overkill' by exaggerating the global terrorist threat posed by failed states. It relies on a broad definition of state failure without conducting an in-depth analysis and examination of these states' unique political, cultural, religious, and economic dynamics and circumstances. This sloppy approach, which has been adopted by many policymakers, most notably in the United States, has exposed a number of serious theoretical flaws in the failed state thesis (Logan & Preble, 2006: 6).

3.4.1.4   Weak theoretical foundations

One of the primary problems with the failed state definition is that it is insufficiently scientific. Despite the enormous variety of perspectives, the definitions do share some useful primary characteristics. Most significantly, these states frequently demonstrate an inability or unwillingness to safeguard their citizens against violence or, in the worst-case scenario, genocide. Unwilling states frequently believe they are immune to domestic and international law, putting them in a position to perpetrate aggression and violence against their citizens. As mentioned earlier, the many interpretations and definitions of state failure have resulted in the creation of a number of descriptions, indicating different degrees of failure, including failing, weak, failed and collapsed states and terms such as 'ungoverned spaces' and 'quasi states'. These different classifications often overlap in terms of characteristics or are applied indiscriminately to states with different domestic characteristics. One way of overcoming this type of confusion is to focus on key actors' definitions and compare and list the major characteristics that they identify and share (Taylor, 2013: 17 – 18). From this analysis, the term 'fragile state' is a vague and normatively loaded concept because it so often is unclear what exactly is being defined. Therefore, its definition is highly contested, and its use has profound implications (Taylor, 2013: 18 – 21).

The general concern about the apparent theoretical weakness of this body of literature is summarised by Woodward (2004: 5), who argued that a worrying aspect of the fragile state thesis is the fact that it has generated "very bad or superficial research. The measures are abysmal, the studies are tautological (the exact same empirical measures are used for both

cause and outcome), and there is no real effort at causal analysis, identifying the causal links between state fragility and these outcomes of concern". The primary premise is that the concept of state failure is so flawed that it is unusable in academic analysis and extremely dangerous in policymaking. Hagmann and Hoehne (2009: 43) further added that "the failed states debate has failed to provide the appropriate analytical tools for a better understanding of contemporary African statehood". Failure is defined in this context as a significant loss of complexity, which manifests as territorial fragmentation and violence, including genocide. Despite visions of apocalyptic chaos, the resulting state of nature is not Hobbesian. On the contrary, failure frequently generates political orders that are unappealing but nonetheless possess a distinct rationality (Taylor, 2013: 1). Two theoretical flaws can be identified in this regard.

3.4.1.5   Failure as an analytical tool

According to Doornbos (2002b: 797 – 815) and Milliken and Krause (2002: 753 – 744), the literature on state failure and collapse contains several critical flaws. It is riddled with ambiguous definitions, and the concept's causes and consequences are frequently muddled. Dolek (2005: 1 – 2) continued by stating that the vocabulary used to define the concept of state failure is perplexing because it creates the impression that there is neither a single term for the phenomenon nor a single definition for the concept. Schoeman (2008) argued that "these flaws and obscurities have become painfully apparent as different categories of polities such as quasi, weak, failed, failing, flawed, fragile and collapsed have been used by various observers as if their meanings are exactly the same. Words such as 'weak' and 'failed' are, for instance, used interchangeably to describe conditions in states that might actually be collapsing". According to Hill (2005: 146), "precisely what the differences are between quasi, weak, collapsed and failed states remains unclear and represents an important ambiguity within the failed state thesis". For Woodward (2004: 4), the situation is further complicated because the fragile state concept represented a coming together of humanitarian, human rights, development and security perspectives (or distinct academic communities), although the term held different meanings to each of these perspectives. In terms of their understanding and interpretation of the concept, none of these perspectives seems to share common ground and appear to be speaking past each other. Their use of different categories

of state failure appears to be interchangeable as if they are referring to the same thing" (Schoeman, 2008).

Call (2006: 6) found that one of the most serious problems associated with the fragile state concept is its definition and, more specifically, "more super aggregation of very diverse sorts of states and their problems". Woodward (2004: 4) added that the term 'failed state' is defined in such a way that empirical analysis is impossible. The term 'failed state' is a nebulous term that refers to a collection of characteristics and assumed consequences. This body of literature has attempted to formulate universally applicable logical indicators for failed states. The assumption is that in these states, one or more of these indicators can be observed. Colombia, the Ivory Coast, Iraq, and North Korea are all observed equally, despite the fact that they reflect vastly different social realities. Diverse states (as mentioned previously) are frequently labelled as failed states almost unanimously by academics. Political and socioeconomic conditions in these states (however disparate they may be) are used as evidence for a standardised set of indicators applicable to all failed states. Schoeman (2008) asserted that "even in academic journals that aspire to theoretical excellence and rigour, the concept tends to crash into impressionist description". The problem is aggravated by the fact that figurative language is often used to substitute scientific language and strings of descriptive attributes tend to replace analytical precision in the failed state literature. "The almost relentless use of different metaphors as well as the development of continuums and scales "conceal a mess of scientism that the concept failed state is grounded in a single, commonly accepted but not particularly profound empirical observation: anarchy" (Gourevitch, 2005: 3).

According to Call (2006: 7 – 8), "observers have often attempted to apply a single remedy to states in which symptoms ranging from poverty to civil war can be identified, hoping that such a remedy would cure all problems". This insufficient definition of failed state has led the Western policy community, in particular, to apply a blanket definition to states with smaller (Liberia) and larger (Indonesia) populations, to relatively strong states that have lost control over a relatively small portion of their territory (Colombia), as well as weak and legitimate states with low capacity but high legitimacy (Liberia).

3.4.1.6 Inability to explain

According to Gourevitch (2005: 6 – 9), "the failed state thesis attributes state failure to the inappropriateness of the state or sovereignty as a norm. The state is regarded as an artificial import or coercive imposition on societies (mostly states in the Third World) unfit for that kind of political organisation. By arbitrarily drawing political boundaries around diverse ethnic identities, it forced together incompatible political communities". This state of affairs undermined the possibility of creating a national consciousness and created centripetal tendencies towards civil war, making institutional development difficult. Due to a lack of understanding of domestic political dynamics, fragile state scholars have tended to view ethnicity and ethnic conflict as logical givens, making national unity nearly impossible. According to them, the decline of state institutions was unavoidable as a result of these ethnic divisions (Rotberg, 2004; Herbst, 2000: 106 – 112). Sovereignty is discerned just as negatively, "because of the argument that failed state's juridical statehood was legally protected at the expense of developing effective empirical statehood. States no longer had to prove empirical capacity, as was the situation under the pre-UN dispensation to obtain international legal status" (Schoeman, 2008). These governments may use this right to commit atrocities and enrich themselves at the expense of their populations. These states were unable to meet the needs of their indigenous populations, and political autonomy lacked material justification. Failed state theorists, therefore, argued that sovereignty was an obstacle to intervention for the purpose of state-building. Sovereignty had to be abandoned and replaced with new modes of governance (Gourevitch, 2005: 7 – 8; Jackson, 1990: 21 – 31; Eriksen, 2006: 4 – 6).

However, Gourevitch (2005: 9 – 14) contended that the argument mentioned above is fatally flawed and that the failed state theory is guilty of both teleological and tautological argumentation. It is teleological because the present is read back into the past. In other words, state failure is observed as the inevitable outgrowth of a seed planted at the very beginning of the post-World War II order. Furthermore, the failed state phenomenon is taken as a given of the post-Cold War order, although it can be argued that its increased occurrence after 1991 is purely incidental. The second point of criticism is that the failed state thesis attempts to explain state failure by what did not happen instead of what did. It is argued that attempts by Third World states to imitate the earlier European experiences (especially in

terms of the absence of major conventional wars) of state formation have led to the failure of these states. One example is the absence of major conventional wars in the histories of the Third World (Call, 2006: 11 – 12).

The tautological dimension focuses on the disorder that has allegedly infected the entire state, rather than on government institutions as one of the state's numerous components. Within the failed state discourse, observers are fixated on the alleged internal disorder that appears to be the norm in these states (also see Kaplan, 1994: 40 – 76). Schoeman (2008) indicates that "there are profound differences between anarchy, defined as the absence of government institutions and the actual breakdown of indigenous social structures. Instead of focusing on the collapse of a specific set of institutions, it is argued that the state itself has collapsed. The fact that the state itself has somehow failed is supposed to be novel compared to other historical political conditions such as revolutions, civil wars, wars of secession or wars of national liberation". None of these conditions has ever caused the total collapse of the state. Although a central authority might no longer be present, failed state theorists often seem unaware that a political conflict might be taking place that cannot necessarily be associated with broadly defined chaos. They, therefore, fail to focus on local competition of interests and struggles for power but rather apply a fuzzy and generalised definition of state failure to the situation. Domestic anarchy and disorder are blamed for state failure, implying that policymakers are not required to understand the local circumstances and dynamics underlying a conflict, or even to recognise specific groups as legitimate actors in the conflict. Rather than that, the situation can simply be treated as chaos, which can be resolved by a disinterested third party using the appropriate policy instruments. As a result, it is more oriented around Western priorities than domestic realities (Gourevitch, 2005: 4).

Certain institutions may have merely replaced others within the political paradigm of the state form. However, according to this body of literature, state failure appears to imply a more fundamental collapse of the state form, rather than a specific, concrete manifestation of the form. The latter classification is defended on the grounds that this is a particular type of anarchy induced by state and sovereignty institutions. It is further argued that the state is an inappropriate political form for Third World societies, which provided justification for

external intervention as internal self-organisation within such states were no longer possible (Woodward, 2004: 5; Gourevitch, 2005: 11 – 13).

According to Gourevitch (2005: 12), when comparative politics is used to distinguish between revolutions, civil wars, and secessionist wars, these political crises are absorbed into the broad church of anarchy as manifestations of the same thing: disorder. The state, therefore, fails because it (the state) is equated with the preservation of order. Instead of just bluntly referring to internal chaos as the reason for state failure, focus rather needs to be placed on each states' unique internal political and social dynamics and relations. In instances of civil wars, revolutions, and secessions, different sides pursue distinct interests on what kind of state there should be. None of these phenomena is possible without a state because it is only within the framework of a state that something as a war of secession or revolution can be understood. In most of these instances, the cause of the disorder (because of civil war or revolution) is the political conflict between competing social forces, not the outbreak of chaos caused by socio-culturally inappropriate legal and political forms.

Schoeman (2008) argued that "the inability of failed state theorists to explain states' intricate internal social dynamics (they perceive as failed and racked by disorder) is, in a twist of irony, due to their weak theoretical understanding of the state. Their inability to separate conceptually between institutions that serve certain purposes (such as government, security or welfare) and the state as a whole is symptomatic of this" (also compare the views of Rotberg, 2004; Zartman, 1995). The state cannot be viewed as a collection of institutions but as a particular relationship between institutions and society[6]. These institutions can become state institutions only when they are procured through the will of the governed. Additionally, the state consists of institutions that are manifestations of sovereign political power; the sovereign is the one who represents his or her power and purposes through institutions. Therefore, the state can be regarded as the objective force of the subjected will of the

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[6] In this regard, Heywood (2002: 87 – 88) makes a distinction between government (as an institution that is often identified by failed state theorists as the cause of failure) and the state. The state is, for instance, more inclusive than government and encompasses all the institutions of the public realm and embraces all citizens. Government is, therefore, but one component of the state. Even more significant is the fact that the state is a permanent entity. In contrast, governments come and go, and systems of government can be reformed and even remodelled.

sovereign, appearing over and above society but also grounded in it. Institutions only become state institutions after they have been appropriated and transformed by the sovereign will. "The collapse of certain institutions (e.g., an absolute monarchy) may be a precondition for establishing the state on a new social basis rather than a sign of failure. Throughout history, periods of crisis (such as revolutions and civil war) have marked shifts like these in society, including transformations in the relations between state and society" (Schoeman, 2008). The fragile state discourse can distinguish between different kinds of political crises, but its understanding of the state is fatally flawed. By defining the state in terms of institutions and failing to recognise that the state is actually a particular relationship between these institutions and society, failed state theory persistently views the collapse of whatever institution is required for the state's existence as the end of the state (Gourevitch, 2005: 13).

3.4.1.7   Normative model of the state

Woodward (2004: 5) argued that the literature on failed states frequently bases its analysis on a particular normative model of the state, namely a free market-oriented liberal democratic state that is transparent and accountable and also possesses very specific institutional requirements. "In terms of the latter, the state is, for instance, required to guarantee and uphold the monopoly over the legitimate use of violence and provide a number of essential services" (Schoeman, 2008). As such, it is nothing more than a value-based conception of what a state should be and a patronising approach to grading states on their ability to uphold those values (Call, 2006: 11). Thus, the failed state approach shows some significant similarities to the modernisation theories that have been influential during the 1960s (Eriksen 2006: 1). Call (2006: 11 - 12) argued that both approaches assume that states should move to some good endpoint and that this movement should be natural. Similarly to how modernisation theorists used the modern standard of statehood three decades ago, the current successful (ideal-type) standard is based on the characteristics of dominant Western states. However, there is scant mention of the Liberal Democratic Western states' partial failures. Very few Western states can meet all of the ideal type standard's requirements for statehood. If these statehood requirements were strictly enforced, the majority of Western states would also exhibit signs of state failure.

The international community has a proclivity for equating stability with strength and crisis with fundamental vulnerability. Numerous countries experience periods of crisis, which frequently result in periods of transition to a frequently superior dispensation to the previous one. As a result, not all states are structurally vulnerable and plagued by entrenched sociopolitical and institutional problems. Numerous states are capable of successfully navigating periods of fragility and reorienting themselves in a more positive direction. Others, on the other hand, who are fundamentally frail, may succumb to the stress of these crises and spiral out of control into violence (Kaplan, 2014: 49). The dominant methodology for assessing the strengths and weaknesses of fragile states has always been based on a limited view of governance. In a 2012 OECD report on fragile states, the emphasis was placed 15 times on the vertical state-society relationship and 13 times on the social contract between the government and its people, with no mention of the factors influencing the horizontal society-society dynamics between different ethnic, religious, and ideological groups and the possibility of fashioning a social contract between these disparate groups (Kaplan, 2014: 50).

Additionally, Eriksen (2006: 4) stated that this Western ideal type of state is overly restrictive because it is based on a liberal model that views any deviations from the liberal ideal as failures. By focusing too strongly on the state as a service provider (Lockean approach), this body of literature displays clear normative overtones. States are almost subjected to a pass/fail test where a certain model of statehood (in this case, liberal democracy) has to be imitated. The extent to which the latter is violated will determine the degree of failure. States that are unable to comply with this type of statehood requirements to varying degrees (weak, failed, or collapsed) are then viewed as a problem that must be resolved. In view of this, Eriksen (2006: 4) asserted that "instead of developing concepts that are better suited to analyse existing states, the gap between liberal ideals and empirical reality is treated as justification for interventions which aim to close this gap, and make empirical reality conform to liberal ideals". However, the problem is that this ideal type model of the state is never thoroughly analysed and regarded as a given against which failure is measured (Woodward, 2004: 5).

From a Western perspective, too much emphasis is placed on the issue of bad governance. A government might, for instance, be corrupt and rig elections to favour itself, subsequently

not adhering to the principles of good governance from a Western perspective, but can still be inclusive enough to be stable. Additionally, an overemphasis on symptoms (as if dealing with a sick patient) has resulted in a lack of predictive power. In some countries, signs of fragility become apparent only during times of crisis. Other states such as North Korea and Afghanistan show significant symptoms of state fragility but are surprisingly resilient and able to function without collapsing (Kaplan, 2014: 51). Understanding the concept of a fragile state is often undermined by the fact that all states, weak or strong, are periodically challenged by periods of crisis. The challenge here is whether a state can overcome these bad patches successfully. Periods of fragility can often spark a transition to something better; the breakdown of one regime and establishing a new political order. The length of such a fragile period can obviously also be different (Kaplan, 2014: 51 – 52).

Hill (2004: 8) and Dolek (2005: 2) argued that the alleged deviation of failed states from Western norms is expressed in the language, imagery, and analogies used to describe them (failed states). When compared to 'healthy' Western states, conditions in failed states are frequently perceived as 'ill' (Hagmann & Hoehne, 2009: 45 – 46). In extreme cases, the terminology of psychoanalysis is used to describe conditions in failed states. Dolek (2005: 2), for instance, stated that "opposed to the ideal Western ones, the failed state represents the 'abnormal' or 'deficient' polities that are irrational, violent and even barbaric. This simply means that state failure occurs due to the existence of a 'serious illness' or 'mental or physical disorder' that should be cured by the intervention of a doctor (i.e., the Western countries)". According to Boas and Jennings (2005: 388), describing the state as failed can be viewed as a normative judgement that is meaningful only in comparison to something else. In this case, the existence of a Westernized, healthy state is irrelevant to the majority of the states in question, as it has never existed. Thus, this comparison ignores history, demography, culture, and economics, as well as their interactions with regional dynamics and patterns.

3.5   CONCLUSION

Since the early 1990s, the influence of the fragile state discourse has grown, with many states experiencing failure due to a period of social and political upheavals following the collapse of communism. At first, the influence of this particular body of literature was limited to the local and domestic levels, with the focus mainly being humanitarian disasters in developing states.

However, the 9/11 terrorist attacks shifted its influence from local and regional to the global level as the US government identified fragile states as a possible security threat. By officially endorsing the idea of failed states as safe havens for terrorists (in its New National Security Strategy foreign policy document), US policymakers succeeded in popularising the concept. Many academic publications followed as observers and scholars seemed to jump on the 'fragile state as a security threat' bandwagon. However, the increased attention on state failure soon exposed a number of theoretical flaws in this body of literature that nobody seemed to notice. How American policymakers appeared to use generalised definitions of state failure and their neglect to thoroughly analyse domestic conditions in the alleged fragile states reflected the general theoretical shortcomings of the fragile state discourse. Regardless of the criticism it has had to endure and the shortcomings that it exposed, it must still be regarded as a very influential and important post-Cold War discourse. This chapter attempted to provide the reader with an overview of the significance, historical impact, and shortcomings of the fragile state discourse. In the previous chapter, attention was given to the Weberian understanding of the state as the theoretical point of departure for the fragile state discourse. As the eventual aim of the study is to investigate alternative means to observe and understand the fragile state, it is critical to first pay attention to an understanding of the fragile state discourse.

The chapter started with a historical overview of the fragile state discourse during its early origins in the post-colonial period and how it became especially prominent in the aftermath of the Cold War. Specific attention was given to how the discourse became influential during the early to mid-1990s as several states got caught up in internal violence, civil wars and failed attempts at democracy. During this particular period, the fragile state was studied in terms of the humanitarian consequences for people caught up in these disintegrating dispensations. However, the emphasis on the importance of fragile states changed with the 9/11 terrorist attacks. Its humanitarian/developmental focus was now shifting to a security focus as state leaders and observers realised that fragile states could also become terrorist havens.

This historical overview was followed by a section that attempted to conceptualise the term fragile state. Because of the confusion that often surrounds the definition of this concept (with terms such as 'weak', 'failed' and 'collapsed' states often used interchangeably), it was

important to first focus on a broader definition and then dissecting this broader understanding into the definitions of the term as it is found in different classification models. By following this strategy, the chapter attempted to expose the confusion that exists in defining the term and the inability of the discourse to provide a logical and theoretically sound scientific explanation of what exactly constitutes a fragile state. The next section of the chapter focused on an extensive discussion of the criticism that has been levelled at the discourse. In this section, attention was on different levels of criticism, including its state-centric approach, the flawed classification models on which its analysis is so dependent, the possibility that it could harbour terrorists and the weak theoretical foundations on which its methodology is constructed.

The chapter concluded that the fragile state discourse is methodologically weak in its analysis of states perceived to be fragile. Its philosophy is built on the idea of the Western manifestation of the state (Weberian ideal-type) as the only true benchmark against which all other dispensations that do not adhere to the criteria of this ideal type have to be measured. By creating different classification models, it has attempted to categorise states in terms of the degrees to which they fall short of the ideal type. This has created several confusing terms such as 'weak', 'failed', and 'collapsed' states that are all measured using the same criteria without acknowledging that conditions, circumstances and internal dynamics in these states are different.

CHAPTER 4: BEYOND NEO-LIBERAL PEACEBUILDING AND STATE-BUILDING – THE ROAD TO HYBRID POLITICAL ORDERS

4.1   INTRODUCTION

The preceding chapter concentrated on a conceptualization of the fragile state discourse and its influence on developmental politics and international relations in the decades following the Cold War's end. The fragile state discourse was influenced and developed in response to major political instability and civil wars in the early 1990s, particularly in the Balkans and Sub-Saharan African states. As a result, the fragile state discourse developed a linear scale on which states in distress are categorised according to the levels of deterioration they experience compared to the Weberian (Western) ideal of the state, as outlined in Chapter 3. States are categorised in terms of weakness, failure, fragility and even collapse, depending on the degree of deterioration they experience. States faced with these levels of instability had to be reconstructed into the image of what is perceived to be the Weberian state through peace- and state-building. The latter is a collaborative effort between the UN, states, donor agencies and other non-governmental organisations aiming to re-establish peace and order and create political institutions and service delivery capabilities similar to those in Western states.

This chapter attempts to highlight that, just as with the fragile state discourse, the practitioners of peace- and state-building share the same state-centrism. The problem with current state-building practices, however, lies at this exact point. Peace- and state-building endeavours attempt to duplicate what it perceives as ideal Western state conditions in fragile states without acknowledging or considering the unique political dynamics and realities within these states. Therefore, these endeavours become so blinded by its obsession to reconstruct fragile states into idealistic visions of an ideal state that the influence of traditional authorities and customary law as the providers of identity, law and order, protection and services in the absence of a functioning state are totally neglected. Traditional societies are often alienated and distant from the state, and the enforcement of yet another set of western state institutions will not create successful state-building. The whole idea of

peace- and state-building as it currently stands will need to be re-thought and re-designed to acknowledge, apart from state institutions, the role of traditional and customary forms of governance to work together in unison. Although the creation of strong state capacity, effectiveness and legitimacy are important goals in the development process, it is the means to achieve these goals that are even more important. Most development initiatives are still too strongly focused on achieving the Weberian (OECD-style) goals as the achievement of development that they neglect the relevance of traditional governance structures. As a result, it is argued that until customary norms, values, and institutions are taken seriously and integrated into the overall process of state formation, the goals of an effective state will remain elusive. In the majority of developing states, governance and order are established through non-state forms of customary rule rather than through government institutions. Therefore, state-building should focus on Hybrid Political Orders, especially customary rules, instead of fragile states with its overemphasis on the importance of state institutions.

The purpose of this chapter is the following: to scrutinise the role and influence of current peace- and state-building practices; how its ideas and modus operandi is embedded within the Western (Weberian) model of the state and the fragile state discourse; and how these are obstacles to the successful reconstruction of fragile states because of its ignorance of those traditional societies that feel alienated from the state. The chapter commences by briefly focusing on the historical context in which peace- and state-building developed. Peace- and state-building is conceptualised by distinguishing between nation-building, peacebuilding and state-building to indicate the confusion and overlap between these terms. The aim here is to show that despite the conceptual confusion, the three concepts operate in unison and are all characterised by their adherence to establishing a Weberian model of the state as a means to an end. The role of the Weberian definition of the state as the foundation of peace- and state-building is discussed and criticized, indicating that it is a rigid model that can hardly be applied to all states as if they were the same. The same applies to the practical application of current state-building practices that will be discussed in the following section. Here state-building is criticised for its duplication of Western state models and its ignorant stance towards the role of traditional forms of governance. This ignorance will lead the discussion in the direction of seeking alternatives to current state-building practices. The chapter concludes by briefly offering Hybrid Political Orders as the most viable solution as it provides

the type of state reconstruction that acknowledges the cooperation of both state institutions and traditional forms of governance in a new political dispensation. The reflection on Hybrid Political Orders will be brief as it will be more broadly conceptualised in the following chapter.

4.2   PEACEBUILDING AND STATE-BUILDING – A HISTORICAL CONTEXT

The contemporary significance and relevance of peacebuilding and state-building in International Relations and development studies must be viewed in light of what occurred following the Cold War. After the fall of the Berlin Wall, state socialism died a natural death, and liberal democracy and a market economy became the dominant paradigms for social change and foreign assistance. Bijukumar (2008: 27) argued that the idea of the victory of liberalism has vanished in recent times. The three drivers of economic liberalism, namely liberalisation, privatisation and globalisation, and politics of identity, have been responsible for global discontent and anarchy in certain regions. Political Islam has become a formidable political ideology that has challenged liberal democratic ideas. The 1990s was a significant setback for communist and socialist ideas, but they have since regrouped, especially in Latin America. Furthermore, developmental authoritarianism has also been influential in global affairs as the ideology of human emancipation. Western states and international organisations promoted economic and political liberalisation as the drivers of world peace. However, the ideals of spreading democratic values and principles globally in a New World Order (where conflicts were supposed to come to an end) soon proved much more complicated than anticipated. The 1990s, particularly in Sub-Saharan Africa, were marked by the outbreak of violent conflicts and civil war in Liberia (1989), Sierra Leone (1991), the Horn of Africa in 1992, and the Democratic Republic of the Congo in 1996. Many of the conflicts of the 1990s were caused by ethnicity, tribalism, the failure of state institutions, poor governance, and rapid democratisation. In most cases, these conflicts were characterised by extraordinary levels of violence against civilians. Examples include the Balkan wars, the Rwandan genocide and the wars in Somalia, which renewed international attention to the urgency of the matter.

One of the most important components of successful development is creating effective mechanisms to guarantee the security and well-being of individuals and groups, secure effective and appropriate avenues for community governance, and have mechanisms in place

to resolve issues between individuals and groups. Traditionally, the state had to take responsibility for these functions on a local and national level. However, in many conflict zones, states are incapable of providing these essential services and, in many instances, contribute to the insecurity of their populations. States' failure or inability to provide these bare necessities has spawned the fragile state discourse, which emphasises corruption, predatory elites, the absence of the rule of law, and respect for human rights, including ethnic and religious divisions. The point of departure of the fragile state literature is that development cannot occur in the absence of security and that there will be no security in the absence of strong and legitimate state systems that can enforce their authority and will on the citizens within their territory. The fragile state discourse is criticised because their diagnosis of the problem seems correct, but the prescriptions or solution to the problem has been less successful (Clements, Boege, Brown, Foley and Nolan, 2007: 47).

Von Bogdandy, Häufler, Hanschmann and Utz (2005: 581) argued that there are several causes for state fragility of which "economic underdevelopment, failures made by the former colonial powers in general and the drawing of arbitrary post-colonial borders in particular, lack of democracy, misgovernment, widespread poverty, heavy dependence on foreign aid, problematic programmes by international institutions such as the IMF or the IBRD are of particular importance." Additionally, these states lack accountability and have ineffective political processes that connect the state and society. These societies are frequently riven by violent conflict (Menocal, 2009: 1). Causes such as these, amongst others, have convinced the international, and especially Western community, that state-building was the logical remedy to reconstruct these chaotic dispensations into something that would reflect the typical Weberian ideal-typical definition of the state. However, the viability and continued success of state-building projects would depend on two fundamental categories of state failure. On the one hand, there are instances where the population's willingness to accept rules, decisions, and measures adopted by a common government remains unaffected. In other words, despite the current chaos that a state finds itself in, the population would be more than willing to cooperate in the spirit of unity if the end result means that a new, better and legitimate government could be created that would provide human rights, political freedom and the opportunity for economic growth, or a uniquely African social contract. The history of humanity is characterised by attempts to formulate a social contract, body politik

or commonwealth. A social contract is a type of social structure in which human beings can participate and adhere, thereby ensuring an orderly existence. This has been the result of human beings' need to agree to bind them together to improve their living conditions. In this regard, it is possible to argue that African communitarianism contains traces of an African social contract and that African social and political theories should be rooted in and informed by communitarian social and political thought (Chemhuru, 2017: 505 – 506). A popular misconception is that African communitarianism is characteristic of pre-colonial African societies.

On the contrary, most contemporary societies in Africa are still communitarian, although modernisation and exposure to Western cultural values have impacted its relevance. However, African scholars such as Taiwo (2016: 81) argued that communalism continues to exercise a vice grip on the African intellectual imaginary. Within moderate communitarian thought, the relevance of the role of the individual is still questioned. African communitarianism refers to a communal structure where individual beings associate themselves with others instead of focusing on themselves. As a result, communal existence is deemed more important than individual existence. Individuals, according to this African philosophy, cannot exist socially and politically as atomic entities but must be a part of communal existence and participation. Communitarian thought should serve as the foundation for interpreting and comprehending Africa's social contract (Chemhuru, 2017: 506–514). If such an attitude amongst the population is possible, successful state-building would be much more favourable. On the other hand, there are those cases where serious alterations amongst a state's population exist. Much of this can be attributed to deeply divided societies where tension amongst ethnic and religious groups reaches a breaking point. The sentiments of national unity and nationhood are totally absent. The latter goes beyond state failure: here, "nation-failure" is at the order of the day, and the likelihood of successful state-building is more limited and complicated (Von Bogdandy *et al.*, 2005: 581 – 582). In such highly volatile and violent settings, the international community has to create peace and create more effective and inclusive state institutions. In other words, their peacebuilding and state-building efforts need to be brought closer together or, as often referred to, 'state-building for peace' (Menocal, 2009: 1).

As was argued in the previous chapter, the term 'failed' has more recently been softened to fragile, but this has done nothing to change the basic idea of the discourse that these states do not fulfil the basic requirements of statehood. At first, the failed state was regarded as a developmental issue. In the aftermath of the 9/11 terrorist attacks, the emphasis shifted away from being just a developmental issue to one related to security and the threat that failed states created ungoverned spaces, which could now become safe havens for terrorism. More recently, the focus shifted to the idea of a "security-development" nexus, with the international community realising that the consequences of civil wars and political and economic instability still being directly responsible for humanitarian tragedies apart from the possibility that these states might accommodate terrorist activities.

In summary, this discourse begins with the premise that while the majority of states in the developing world have de jure statehood (international recognition as states), they lack de facto statehood, or the state's ability to maintain an overwhelming monopoly of force over its territory and to provide essential services or public goods, most notably security, to its populations. In this regard, Ghani, Lockhart and Carnahan (2005: 4) argued that "legal recognition alone, however, does not suffice to define the sovereignty of a state. Many governments that are legally recognised as sovereign consistently fail to meet the basic prerequisites of a sovereign government. There is a clear gap between the *de jure* sovereignty that is assumed when, for example, international treaties are signed between 'sovereign' states and the *de facto* absent or compromised sovereignty that exists in many of these states". This chasm between *de jure* and *de facto* sovereignty is widely viewed as the primary impediment to global security and prosperity. Even within the discourse, there is no agreement on the consequences of state failure. One perspective argues that the internal dynamics during post-colonial state formation creates a 'vacuum of authority' that necessitates external intervention. Another perspective argues that state failure is the result of external (Western) pressure to conform to the principles of neo-liberalism through, for instance, structural adjustment programme requirements. The previous chapter indicated that the discourses classification of different levels of 'failure' had been criticised for having derogatory connotations and being overly normative. Despite the criticism, the fragile state discourse has had a powerful influence on underpinning Western support for democratisation as a pillar in the emerging peacebuilding regime (Suhrke and Chaudhary, 2011: 242). The

issues of state fragility have become particularly significant and prominent after the terrorist attacks of September 11 in 2001. The conception of peacebuilding was then broadened to also include state-building, emphasising the establishment of legitimate forms of political authority. By the turn of the century, most peacebuilding institutions agreed that lasting peace could only be established once strong state institutions were constructed. The end result had to be establishing a regime that was accountable to international norms, that had internal legitimacy and had earned its sovereignty (Curtis, 2013: 204).

It is important to distinguish between nation-building, peacebuilding and state-building, three terms often used interchangeably as if they share the same meaning. The term 'nation' (used in an inclusive sense and factoring in the differences in the demographics of the population pertaining to faith, ethnicity, race or language) is a culmination of all these elements. It is often the most important legitimising factor during a peace/state-building exercise. A sense of national identity and unity can help create a stabilising atmosphere conducive to the reconstruction of state institutions. Nation-building should therefore be a pre-condition for peacebuilding and state-building.

4.3 NATION-BUILDING, PEACEBUILDING AND STATE-BUILDING – A CONCEPTUAL DISTINCTION

4.3.1 Nation-building

According to Brahimi (2007: 5), the term 'nation-building', when used in the context of development efforts in post-conflict states, is confusing. This concept is derived from an American perspective that has developed historically out of their experience in constructing a new order within a territory of new settlements in the absence of deeply rooted cultures and traditions. In this regard, foreigners cannot build a nation by descending on a country temporarily as nations emerge through a historically evolutionary process.

To function effectively, a state's government must be legitimate in the eyes of the people who elected it. It is the acceptance by the governed of the state's 'right to rule.' Thus, the most important source of legitimacy is the people, which necessitates a distinction between the governing (public) and the governed (private), as well as a bond between them. However, the

opposite is sometimes also the case. Fragile statehood is often characterised by the deterioration and illegitimacy of public structures and the substantial weakening of the nation that forms the basis for that structure (Putzel, 2007: 1). Von Bogdandy *et al.,* (2005: 585) referred to this as 'nation failure', which "describes a process in which the requirements of normal politics, the social substratum essential for the acceptance of majority and redistribution decisions, disappear. Nation failure is an aggravated form of state failure particularly relevant to multi-community states." Such dispensations are usually characterised by communities that define themselves according to culture, religion, language or ethnicity with irreconcilable differences that would make it unlikely or even impossible for government decisions to be adhered to. In such a diverse state, the nation can no longer provide the foundation of accepted public power. There is no longer any consensus on different cultural traditions, recognition of different languages, customs, symbols or rituals that can unite these diverse groups. The danger of situations like these is when mutually or individual exclusive nationalism replaces the former common identity, which can spark a situation that can quickly deteriorate into violence and even civil war (Von Bogdandy *et al.*, 2005: 585).

As a result, the first phase of state reconstruction must focus on 'nation-building.' The latter is defined by Von Bogdandy *et al.* (2005: 586) as "the most common form of a process of collective identity formation with a view to legitimising public power within a given territory". This is an indigenous process that frequently involves envisioning a meaningful future and redefining existing traditions and customs as national characteristics in order to bolster a nation's claims to sovereignty and uniqueness. The success of such a nation-building endeavour is measured according to the degree that it succeeds in creating a cultural projection that contains certain key assumptions, values, and beliefs that need to form the bedrock on which the state's legitimacy rests. The normative Western conception of what constitutes a nation-state as a general application should be avoided even though its emergence in Western Europe has been globalised as the prevalent form of political organisation. The effect and success of any outside responses will be strongly determined by the degrees to which the old cultural projection has broken down. In cases where a state erupts into violence due to conflicting nationalism, the chances of a peaceful co-existence among the population are reduced dramatically. Such a violent and conflicting scenario is not

conducive to successful state-building. To remedy a situation such as this can be very challenging. However, it needs to be attempted for the process to continue. The process of national erosion needs to be stopped by re-establishing links between separate identities and identifying possible cooperation areas. This must be supplemented by stabilising existing institutions charged with performing common tasks in order to re-establish them as widely accepted institutions (Von Bogdandy *et al.*, 2005: 586 – 587).

The concepts of peacebuilding and state-building are often confusingly used as if they share exactly the same attributes because they are both operating at the backdrop of states emerging from conflict. While they do share some attributes, they are two distinct processes and may often move in different directions. It is therefore important to clarify the distinction but also the similarities between these two concepts. State failure is widely perceived as a threat to both development and security within the policy community, and state-building is proposed as the central task of contemporary policies. The distinction between peacebuilding and statebuilding becomes somewhat blurred in this context. Numerous commentators and practitioners conceptualise and practise peacebuilding as state-building (Mallett, 2010: 70–71).

4.3.2   Peacebuilding

The end of the Cold War and the ensuing conflicts that became a prominent feature of the early 1990s created opportunities for new forms of engagement in ending these conflicts. Curtis (2013: 203) reiterated that the 1990s was a time of great optimism and a belief in the possibilities of post-conflict peacebuilding. During this period, the United Nations (UN) played a critical role in peacekeeping efforts to bring those conflicts that Superpower rivalries have fueled from the previous decade under control. It, therefore, established itself as a leader in the establishment of the peacekeeping regime. The then Secretary-General of the UN, Boutros Boutros-Ghali, defined the significance of the peacebuilding regime in a 1992 document called *The Agenda for Peace*. The latter argued that the peacebuilding process had to have a linear progression with humanitarian relief and conflict management as the starting point, followed by peace settlement, peacebuilding and reconstruction, and lastly, development. The latter entailed that the notion of peacebuilding also had to be broadened to expand the activities considered post-conflict peacebuilding initiatives. Furthermore, the

peacebuilding effort had to be deepened. It targeted the state, its institutions and the military and engaged with individuals in their local communities. Since violent conflict is often detrimental to the social fabric of communities in terms of population dislocation, mistrust and erosion of social bonds, individual and community relationships must be re-forged again (Curtis, 2013: 204 - 205). Additionally, a distinction between positive and negative peace had to be made. Galtung (1996) defined negative peace as the absence of violence in his explanation. When a ceasefire is, for instance, signed between conflicting parties, negative peace will ensue. He referred to this type of peace as negative because situations of violence or oppression ended. In contrast, positive peace is an uplifting situation where relationships are restored, structures and systems that are beneficial to the whole of society are created, and conflict is constructively resolved. One could argue that positive peace can be applied to conditions in Somaliland that is discussed in more detail in Chapter 6. By this time, peacebuilding was defined as "an increasingly standardised package of post-war aid, designed to provide security in the initial phase, to promote and monitor demilitarisation of the ex-belligerent armies and factions, to assist refugees to return, to help to restore or reform political institutions and the holding of democratic elections, to promote the establishment of the rule of law, and to strengthen institutions to establish and monitor human rights violations perpetrated during the conflict" (Suhrke & Chaudhary, 2011: 253). The UN Secretariat, major donors and aid agencies, international financial institutions such as the World Bank and IMF, as well as a number of UN specialised agencies, developed the peacebuilding agenda (Suhrke & Chaudhary, 2011: 253 - 254).

However, by the early 1990s, it had become clear that many of these so-called 'first-generation peace missions' had met with mixed success, and the violence in Liberia and Rwanda, for example, forced proponents of the liberal peace agenda to reconsider the complexities of post-conflict transitions and the difficulties inherent in bridging the divide between relief and development. As a result of these experiences, it became clear that further conflict could be sparked if the promotion of political and/or economic liberalisation was not accompanied by an equally strong and effective formal institutional framework to facilitate the exercise of rights, freedoms, demands, and expectations. In other words, it was crucial to rebuild a minimally functioning state to guarantee the success of political and economic reforms and to maintain peace. The Development Assistance Committee (DAC) manual for

peacekeeping practitioners (2005) emphasises this by explaining that "(P)eacebuilding encompasses measures in the context of emerging, current or post-conflict situations for the explicit purpose of preventing violent conflict and promoting lasting and sustainable peace" (Menocal, 2011: 1717). As a result, the peacebuilding agenda has shifted away from a narrow focus on negative peace to a more expansive goal of transforming society through the enhancement of human security and the resolution of grievances that fuel conflict. Peacebuilding is "a multifaceted endeavour that includes building democratic governance, protecting human rights, strengthening the rule of law and promoting sustainable development, equitable access to resources and environmental security" (Menocal, 2011: 1717).

Curtis (2013: 206 – 210) identified four significant characteristics of post-conflict peacebuilding in the context of how world events were transformed by the end of the Cold War. Peacebuilding's first major responsibility has been the establishment of liberal governance. Political and economic liberalisation has been identified by the *Agenda for Peace* as priorities in transforming war-torn societies. It must be universal in its approach; in other words, what applied to one region also had to apply in others. This liberalisation process included the promotion of the rule of law, multi-party elections, constitutional democracy, human rights, a free market economy, and adherence to neoliberal development. However, parties involved in the peacebuilding process had to be cautious of coordinating and sequencing their efforts as rapid political and economic liberalisation often leads to a renewal of conflict instead of peace. Therefore, it would be better to prioritise "institutionalisation before liberalisation" or establish proper institutional state capacity first to ensure that liberal values and practices take hold over time. The second responsibility of peacebuilding is to guarantee order within the state and the context of global security and stability, especially since the 9/11 terrorist attacks in America. A third responsibility reflects on upholding social justice and ensuring and ending discrimination against minority groups as a step towards order and, therefore, peace by attending to structural violence instead of just physical violence. It aims to encourage inclusive access to resources, empower marginalised groups, and end discrimination against women and other disadvantaged groups (Curtis, 2013: 206 – 210).

The first three priorities had to do with peacebuilding efforts to establish a series of predetermined goals such as liberal governance, stability, and social justice. The fourth emphasises a process rather than outcomes. It is framed in terms of local participation and ownership. The goals and requirements of peacebuilding efforts are often differently interpreted by local African communities and external peacebuilders. Instead of being guided by norms and values imposed by outside actors, the emphasis should rather shift towards local ownership and participation that can lead to more sustainable outcomes and institutions that will be more acceptable to local communities. Even more significant is that this view rejects the universalist assumptions of the liberal peace doctrine and the presumed distinction between the liberal peacekeeper and the illiberal 'other' (Curtis, 2013: 209 – 210). This point addresses the need to recognise the role and functions of traditional authorities as well as customary law.

Ingram (2010: 2 – 3) opined that "while peacebuilding aims to create the conditions for stability, this is not in itself sufficient to overcome fragility". It, therefore, needs to create peaceful conditions that are conducive for processes of negotiation to take place. In this regard, Agbalajobi (2010: 235) believed that peacebuilding "is the effort to strengthen the prospects for internal peace and decrease the likelihood of violent conflict. The overarching goal of peacebuilding is to enhance the indigenous capacity of a society to manage conflict without violence. Ultimately, peacebuilding aims at building human security, a concept that includes democratic governance, human rights, rule of law, sustainable development, equitable access to resources, and environmental security … Peacebuilding may involve conflict prevention, conflict resolution, as well as various kinds of post-conflict activities. It focuses on the political and socio-economic context or humanitarian aspects. It seeks to institutionalise the peaceful resolution of conflicts". Call and Cousens (2007) referred to the latter as the 'institutionalisation of peace' as a vehicle for participatory politics that should be sustainable in the absence of international peace operations.

The first priority in such a peacekeeping effort should be to forge strong ties with national stakeholders. However, the term peacekeeping needs to be distinguished from peace enforcement operations. According to De Coning (2017: 147), the concept of enforcement is linked to the UN Charter as it provides the legal basis to distinguish between peacekeeping

and peace enforcement. Chapter VI of the Charter addresses the principles of classical peacekeeping in that force is only permissible when used in self-defence. In contrast, Chapter VII of the Charter provides enforcement. When the UN Security Council authorises a peacekeeping mission, mention is usually made of Chapter VII when the need to use force is necessary. A case in point is the UN Peacekeeping operation in Liberia (UNMIL), where a Chapter VII clause mandated the 'blue helmets' to use all necessary means to protect the civilian population. In the case of Somaliland (discussed in Chapter 6), neither peacekeeping nor peace enforcement were initiated by the UN as the local population, under the leadership of clan elders, created their own peace. The leadership of the stakeholders should be acknowledged, and foreigners should realise that it is not their country, that they are only there temporarily, and even though they might provide security forces, technical expertise and financial assistance, they cannot impose their will on the will and aspirations of the indigenous people just as the latter cannot be allowed to make unreasonable demands. It is important that both parties maintain mutual respect and humility. To eliminate any feelings of suspicion towards these "outsiders" by the locals, the international community must outline its plans and priorities towards its assistance carefully so that the transition towards stability can be sustained and the goals towards state-building can be achieved (Brahimi, 2007: 3; Chesterman, 2004).

To be legitimate and successful, peacebuilding must strike a delicate balance between respect for national sovereignty and engagement with all stakeholders, including local administrative authorities, traditional local authorities, and non-state actors. However, the relationship between local and international actors is quite difficult to explain. Peacekeepers usually see themselves as problem solvers whilst the local population often perceives international support as contributing to resources, subsequently leading to further conflict as parties fight for possession of them. To facilitate comprehension, the relationship is depicted as a triangular model involving traditional local authorities, administrative state authorities, and international actors. The latter, operating within the liberal peacekeeping agenda, frequently overlook the relationship between administrative authorities of the government and traditional authorities at the local level. Rather than that, they concentrate their efforts on the relationship with the host state, attempting to bolster it at the local level in order to extend state authority and services. It is exactly here where international peacekeepers miss

the opportunity to move beyond the top-down, state-centric approach that is strongly embedded within the liberal peace agenda (Da Costa & Karlsrud, 2011: 4 - 5). Security assistance has taken the form of multinational peacekeeping forces operating under the auspices of the United Nations in recent years. The international assistance for economic development is coordinated mainly by the UN and the World Bank in such a way that it complements the security assistance to consolidate the peace (Aquire and Van der Borgh, 2010: 8).

4.3.3   State-building

The world community has now accepted the term state-building as a concerted effort by various actors and role players (including the UN, states, NGOs and development agencies) to build effective systems and institutions of government, although, for a time, the state was not regarded as a priority within the development discourse. However, the need to 'bring the state back in' and, therefore, the need to acknowledge the importance of the state in the development process was soon realised. These sentiments are shared by Whaites (2008: Internet), who stated that "the work on state-building has underlined the centrality of states within development, and has also highlighted the potential for donors to both help and hinder their improvement". Menocal (2011: 1718) referred to this as a renaissance of the state, despite the development paradigm's strongly anti-statist stance as embodied in the Washington Consensus. Following the collapse of communism, renewed emphasis was placed on market economy transitions. The International Monetary Fund (IMF) and the World Bank reinforced these sentiments in their loan conditionality (dubbed the Washington Consensus) on what constituted sound policy (Addison, 2011: 307). Ghani and Lockhart (2008: 90 – 91) described the Washington Consensus as "a package of ten policy prescriptions that broadly support market-based reforms". Woods (2008: 248) added that by the late 1980s, the term Washington Consensus was used to imply that these market-based reforms reflected US interests. The process of 'bringing the state back in' commenced during the early 1990s, focusing on the good governance agenda. Nonetheless, it was a depoliticized, technocratic, and even anti-statist strategy. By the millennium's end, state-building had become the international development community's primary objective.

Furthermore, from the perspective of donor organisations, state-building has become the most important ingredient to solve the problems of fragile states. Several factors have contributed to the renewed realisation that capable, effective and responsive states had to be created. Firstly, it was realised that peacebuilding efforts had neglected the state's role by creating institutional gaps. Many of the newly formed states of the early 1990s (Balkan states, East Timor and Kosovo, to name a few) soon displayed their institutional weaknesses, which caused severe political instability. Secondly, the link between poor development performance and state effectiveness became very apparent. Successful development efforts were therefore dependent on the effective functioning of those state institutions that supported it. Thirdly, the 9/11 terrorist attacks brought the growing emphasis on the link between underdevelopment and insecurity to the attention of the development community. Fragile states may act as incubators for a variety of undesirable problems, both domestically and through the spillover effect associated with conflict, terrorism, instability, drug trafficking, and organised violence (Menocal, 2011: 1718 – 1719).

State-building has emerged as the primary strategy for addressing the numerous 'ills' associated with state fragility, though the concept's meaning and how it should be translated into interventions remain unclear (Andersen, 2008: 13 – 16). The international (external) dimension of state-building is highlighted as external interventions that seek to reconstruct those governance arrangements that can assist the citizenry with physical security and economic sustainability. Within the development community, a general consensus exists that imposed solutions are unsustainable. Andersen (2008: 15 – 16) argued that "unless there is local ownership amongst the community, the results will not be maintained after foreign assistance is withdrawn. The latter translates into a need to work with national reformers in building effective, legitimate and resilient state institutions. However, a growing body of literature is arguing that international involvement must be more robust and that a certain degree of international control is necessary to bring about a well-functioning state with a ruling elite that is accountable to the people". On the other hand, critical scholars argue that if international actors are responsible for state-building, they will create artificial states accountable to international institutions rather than domestic societies. Alternatively, it is argued that the impact of external actors is negligible and that international attempts at state-building have little effect on local power structures (Andersen, 2008: 15 – 16).

As the West's involvement in Somalia has proven, a top-down approach to state-building is followed, which "encompasses most development engagements in fragile states, and is guided by a particular set of assumptions related to the composition and structure of national and local government, and on the functions that state apparatus should perform. These assumptions usually entail a working and accountable bureaucracy, the monopoly over the legitimate use of violence, and the capacity to deliver on a series of basic services to individuals residing on the state's territory. Yet in the focus countries themselves, such state-building efforts are often perceived as an imposition of authority that is only vaguely related – if it is related at all – to pre-existing formal or informal governance structures" (Wennmann, 2010: 2). Most international state-building exercises have used the top-down approach where specific state models have been imposed on fragile states. Much less attention has been paid to the bottom-up approach, which recognises the fusion of traditional and state components through a progressive transformation process facilitated by transition pacts between various stakeholders. This approach is discussed in greater detail later in the chapter. Additionally, the top-down approach does not correspond to the actual historical record of state formation in Europe. In other words, fragile states did not experience the same historical state-building process that European states had undergone over a period of hundreds of years. This demonstrates the importance of adjusting expectations in state-building and recognising alternative forms of political authority and local government arrangements, which opens up the possibility of new policy spaces for donors (Wennmann, 2010: 2).

The importance of state-building is highlighted by Brahimi (2007: 5) when he argues that "the establishment of a virtuous circle of trust and mutual accountability and the assumption of rights and obligations by citizens require a state-building agenda that creates an inclusive state to support equitable economic, political and social orders." Von Bogdandy *et al*. (2005: 583 – 584) agree with this definition, stating that state-building is "the establishment, re-establishment, and strengthening of a public structure capable of delivering public goods in a given territory." As such, it is the process by which states improve their capacity to function (Whaites, 2008: Internet). The development of sovereign capacities is critical to state formation. The primary one is the successful and generally uncontested assertion of a "monopoly on the legitimate use of physical force." The OECD effectively summarised these

definitions, describing state-building as an "endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations" (OECD, 2008a). A report by the Development Assistance Committee (DAC) (2008) further added that apart from developing capacity, institutions and legitimacy, state-building had to achieve this "in relation to an effective political process for negotiating the mutual demands between state and societal groups".

The definitions mentioned above highlight several key characteristics and components of state-building. Firstly, it is responsible for cementing state-society relations of which the 'social contract' is its most important component. The latter has strong roots in the European state-building project and highlights the mutual trust that needs to exist between what society expects from the state and what the state expects from society. Over many years, this trust relationship has developed from the most basic demand for taxation in return for territorial security to a much broader set of benefits and protections. Secondly, state-building has a strong political character because it serves as the link between state and society and determines how power and authority are used and whose interests are served. The political component is strongly entrenched in the negotiations to determine the power relations between elites and social groups, defining the character of the engagement between citizens and the state. Thirdly, state-building should not just be a technical exercise but should reflect how the state interacts with society in terms of its legitimacy, responsiveness, and accountability. The formal institutions negotiated and created should have strong roots in society; otherwise, they will become hollow vessels hijacked by private and patrimonial interests. The legitimacy of these formal institutions needs to be unquestionable as the lack thereof is often regarded as a major contributor to state fragility. Fourthly, state-building needs to be an endogenous process, which is a critical ingredient in maintaining the state's legitimacy, its needs to be orchestrated from within with external actors only acting in a supportive role and never become the drivers or controllers of the process (Ingram, 2010: 3 – 5).

According to Fukuyama (2004: 17 – 31), state-building has become a critical global issue because weak and failed states are responsible for the majority of the world's serious problems, including poverty, drug trafficking, terrorism, and the failure of democracies.

Concerns about establishing new institutions stemmed from the following factors: the emergence of new states (in the Balkans, the former Soviet Union, and East-Timor), many of which remained weak and unstable; poverty; conflict-affected and post-conflict states; and the spillover effect of state fragility to other regions. The creation of good institutions would be crucial for the progress of sustained development (Fritz & Menocal, 2007). The state-building process should start with an assessment of the state functionality of and conditions within the post-conflict environment. Without such an assessment, it would be impossible to develop an effective state-building strategy. Apart from the traditional Weberian view of the state as possessing an overwhelming monopoly of force over its territory, it must also perform a series of other interdependent functions in the political, security, economic, and social spheres that are necessary for long-term stability (Dusza, 1989: 71–105). The international community needs to carefully assess the state of these capabilities in the affected state in collaboration with local partners to determine the type of state-building required, the type of resources needed and the timeframe within which the process must take place. Although diplomatic efforts and donor assistance is an essential ingredient to bring an end to conflicts, state-building efforts can only be successful and sustainable if national structures and leadership are also involved. The exercise is futile if massive amounts of international assistance are poured in to create a peaceful and stable environment without supporting local state structures and national leadership participation (Van der Borgh, Le Roy, and Zweerink, 2018: 248 – 263). The case of South Africa is highlighted as an example of how peace structures organised an inclusive national debate that included all parties and stakeholders, including those radical organisations that attempted to derail the process.

Additionally, the country possessed the luxury of political experience, managerial abilities, financial resources, and national leadership, which enabled it to complete the negotiation process with little external assistance. However, many other states do not find themselves in this fortunate position often due to the political, economic and psychological damage of years of conflict, and in cases like these, foreign assistance would be desperately needed. However, international assistance can never become a substitute for the national agenda of rebuilding a state in which the local participants need to play a critical role (Brahimi, 2007: 5 – 6).

Consensus on the type of state that needs to be constructed and agreement among all parties on the processes that will be used to construct such a state are critical components of the state-building process. The process of finding consensus is, however, often compromised by the top-down approach. This is followed by the external actors (mostly Western states), who are the drivers of the process and tend to put their interests before those of the local populations, with little or no influence in the state-building project. Finding consensus can often be a long and painful one, as affective mechanisms need to be created to facilitate discussions between conflicting parties, citizens and communities, and the private sector and policymakers to develop a joint vision and goals for the countries' future. This would require careful cooperation between national leaders and their international partners to ensure that this vision and the progress in achieving it is clearly conveyed to their constituents to win the trust and legitimacy for the new envisioned and emerging order. The message must be clearly conveyed that the end result should be a peaceful dispensation in which the hope is cultivated for justice, equality and better opportunities (Brahimi, 2007: 7).

When internal conflict escalates within a state, it is frequently extremely difficult to avoid a downward spiral of chaos and destruction, even when the international community takes collective action to end these wars and establish peace. The reason for this is frequently twofold: a lack of understanding of local and regional conditions and a low priority placed on rebuilding government institutions by international participants. Hofmann and Schneckener (2011: 603) argued that armed actors often dominate the conflict environment, making it essential for international actors to establish interaction strategies. Without well-functioning and self-sustaining state systems, peace and development will be ephemeral, jeopardising future engagement with the international community. In post-conflict societies, violence often ceases, seldom providing any guarantees for real peace. However, this period provides opportunities to establish these viable institutions that would have the capacity to provide long-term peace for the whole population. The international community often tends to place too much emphasis on rebuilding the physical infrastructure instead of first rebuilding the institutional infrastructure. It is critical to serve only the people's interests in such a post-conflict environment. However, while the national interests of the indigenous people are not completely ignored, they are rarely accorded the urgency they deserve (Brahimi, 2007: 2 – 3; Hofmann and Schneckener, 2011: 603).

Brahimi (2007: 4) unapologetically proclaims that state-building should be the central objective of any peace operation. In his view, "the international community, which includes the United Nations (and its various agencies), international and regional financial institutions and donor and non-governmental organisations, should make a collective and coordinated effort according to their individual strengths" (Brahimi, 2007: 3). Four aims and objectives crucial to state-building success were identified: constitution-making, electoral processes, reintegration and national reconciliation, and the rule of law.

The drafting of the constitution should be a carefully orchestrated process aligned with existing legal provisions, not rushed and closely linked to the peace process. Wallis (2014) argued that creating a constitution plays a critical role during state-building because it is responsible for creating institutions, provides a legal framework from which state power is exercised and establishes relationships between citizens and the government. It should further not be viewed as just another technical exercise by constitutional legal experts but as a critical and necessary component of the political process. Another carefully planned and essential component of the process involves elections. Instead of being a superficial and hurried public demonstration of democratisation, the election should serve as a mechanism for participation and national reconciliation. The latter must be supported with a collective effort to disarm and demobilise all factions involved in the conflict and reintegrate them back into society for the sake of sustaining and underpinning security. This must take place concurrently with the growth of the rule of law, which is critical for long-term structural stability. As was the case with South Africa, this whole endeavour needs to be supported by a programme of national reconciliation to address and heal the scars left by years of conflict. Additionally, the international community's intervention should adhere to the concept of a "light footprint," implying minimal involvement while remaining supportive and avoiding perceptions of outsider interference. Additionally, this would avert the establishment of parallel institutions and dual systems, which would undermine local authority, impede cooperation, and exacerbate conflict (Brahimi, 2007: 4).

A strong emphasis is placed on demonstrating rapid and visible results to the populace during a state-building exercise. The goal here is to instil confidence in the new government and to instil a sense of optimism among the populace. During periods of civil war and unrest,

infrastructure such as schools, clinics, roads, and power supply are often destroyed or deteriorate due to neglect, which necessitates a process of quick infrastructure rehabilitation. Government capacity is often deficient or non-existent in post-conflict situations, and the majority of state institutions are either dysfunctional or in need of complete re-establishment. The capacity of civil society is normally also weak, often due to the devastation of a civil war. The rebuilding of state capacity usually requires various forms of technical assistance accompanied by extensive foreign inputs. Another component entails donors channelling large sums of aid and achieving rapid results through alternative delivery mechanisms such as private companies, UN or bilateral agencies, and/or domestic and international NGOs. This'reconstruction' of the state is viewed as a chance to initiate a comprehensive set of political, economic, and social reforms. Political reforms entail a transition to democracy, rewriting the constitution, drafting key legislation, and holding elections. Because of its strong liberal underpinnings, state-building is often acquitted with democratisation. However, an increasing number of scholars are challenging this approach, arguing that democracy- and state-building are not mutually reinforcing endeavours or polar opposites. Although democracy in itself might be very beneficial, it can only function properly in a state that has been democratised. In this view, a process of institutionalisation must precede democratisation (Andersen, 2008: 14 – 15; Boege *et al.,* 2009a: 17 – 18; Francois and Sud, 2006: 150).

The problem with the general Western attitude towards state-building is illustrated by Kaplan (2010: 81) when he states: "Since 1991, the international community has launched at least fourteen peace initiatives in Somalia and spent more than $8 billion on efforts to create a strong state. All have failed." In terms of similar operations in other parts of the world, about half of those in which peace initiatives were said to have succeeded deteriorated into conflict within five years or less (Brahimi, 2007: 2). With Somalia in particular, this state of affairs has created instability on a massive scale with the displacement of over a million people, a famine that directly influenced three million people, spreading lawlessness and a growing Islamic insurgency with strong links to Al Qaeda. Much of the blame for the situation it now fears must be laid at the door of the international community whose agenda has been driven by its own needs and expectations rather than by Somalia's realities. Kaplan (2010: 82) made a strong case for the West to move away from its typical top-down state-building strategies

towards Somalia's deeply centralised and fluid society and rather follow a more bottom-up approach that acknowledges the country's long-standing traditional institutions to also be incorporated. In other words, the type of state-building that "takes fully into account a country's indigenous social fabric and institutions, and that attempts to build from the bottom up, integrating communal ways of working together into state structures. Much of Somaliland's success can be traced to its ability to build governing bodies that are rooted in traditional and widely accepted Somali norms" (Kaplan, 2010: 89).

4.4   UNPACKING THE CONCEPTUAL CONFUSION BETWEEN PEACE- AND STATE-BUILDING

As discussed, the terms 'peacebuilding' and 'state-building' cause considerable conceptual confusion as individual ideas and in terms of their relation to one another. It is often presumed that the two concepts are at odds with one another regarding end goals and purposes, but this is not necessarily the case. Although they indeed are different in how they perceive similar underlying problems (such as the destruction of political order), they share a mutual agreement regarding their positive vision and action-guided principles. In this discussion, it is important to note that the peacebuilding regime developed a decade before the state-building discourse, but both concepts exhibited tendencies to broaden their focus. From the beginning, peacebuilding was synonymously associated with peace-keeping. Therefore it was confined to action during the phase of violent conflict and the period just after the conflict. However, peacebuilding adherents recognised the interdependence of the various processes of conflict and peace and expanded their perspective to include everything from preventing violent conflict to the long-term formation of sustainable arrangements for the management of post-conflict societies. Call (2015: Internet) argued that ideas about peacebuilding are the result of 25 years of rapidly evolving thinking. The study of peacebuilding commenced in the early 1990s as the United Nations dramatically increased its mediated peace processes. Since then, thinking about different notions of peacebuilding evolved, and the successes and often failures of these endeavours were perceived as 'lessons learned' in international interventions. The idea of peacebuilding as state-building then emerged at the beginning of the 2000s. As a result, proponents of state-building expanded their initial focus on the reconstruction of political institutions in the post-conflict period to include work against various stages of fragility. Two perspectives regarding the relationship between peacebuilding and state-building also developed: the one argued that peacebuilding

was a subset of state-building, while the other perspective believed that it was the other way around. However, this "who is more important than whom" debate is counterproductive and not a fair reflection of the current debate (Grävingholt, Gänzle and Ziaja, 2009: Internet).

According to Haider (2012: 4), peacebuilding is "a range of measures targeted to reduce the risk of lapsing or relapsing into conflict, to strengthen national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development. Peacebuilding strategies must be coherent and tailored to the specific needs of the country concerned, based on national or local ownership. They should comprise a carefully prioritised, sequenced and relatively narrow set of activities to achieve the above objectives". On the other hand, state-building is defined as "an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations. Positive state-building processes involve reciprocal relations between a state that delivers services for its people and social and political groups who constructively engage with their states" (Haider, 2012: 4).

Peacebuilding usually precedes state-building by consolidating and often even renegotiating peace agreements. It, therefore, sets up more favourable conditions from which state-building can then be initiated. Peacebuilding is often also involved with the processes of establishing an interim or transitional government. The latter consists of re-establishing critical infrastructure, generating employment opportunities and restoring livelihoods to acceptable standards. To succeed, refugees need to be repatriated and citizens protected against any possibility of conflict destabilising the process any further. The judicial component of this transformation must involve transitional justice, with an option of amnesty being given to perpetrators of the conflict and the prosecution of those involved in and found guilty of war crimes. Former rebels and members of fighting factions need to be disarmed, demobilised, rehabilitated and reintegrated back into society and sensitised to democratic processes and the transformation to a political party system of government (Ingram, 2010: 3).

In contrast, state-building has a more direct hands-on approach in physically restoring institutions and public services. This includes the restoration of a basic administrative capacity

and a functioning civil service. Coinciding with this is the strengthening of public financial management and facilitating decisions related to economic policy. Its most important function is probably to support all the processes of political governance, including the rebuilding of leadership capacities of key role players, stakeholders and decision-makers such as executives, and improving parliamentary performance and encouraging civil society participation. Furthermore, the state-building process also restores effective governance on all levels of government from the decentralisation of management at a central and intergovernmental level to additional support at local government level. As a means to encourage civil society participation, it supports efforts to get citizens involved in national and local 'democratic dialogue' to empower them in terms of their roles in a democratic dispensation (Ingram, 2010: 3).

Grävingholt *et al.,* (2009: Internet) distinguished the similarities and differences between peacebuilding and state-building as follows. Firstly, both can be differentiated by the overarching perspectives that they adopt. Peacebuilding's primary objective is to achieve favourable development, which is inextricably linked to establishing lasting peace as an end goal (along with others such as poverty reduction that fall outside the scope of peacebuilding), rather than as a tool. While peacebuilding is a multifaceted'single purpose' endeavour, statebuilding is a much more'multipurpose' endeavour with a more instrumental goal. Secondly, in a more negative sense, state-building is often associated with the promotion of self-interest from intervening actors, whilst peacebuilding (under the auspices of the UN) is considered more 'non-partisan' and operating in the interests of the populations affected by violent conflict.

Thirdly, despite their numerous differences, peacebuilding and statebuilding are united in their concern for fragile social peace and the destruction of political order. Despite this broad agreement, an important contradictory principle remains: Peacebuilding tends to prefer liberal democracy as an institutional blueprint, whilst state-building tend to recognise different forms just as long as it can generate legitimate institutions. Fourthly, Grävingholt *et al*. (2009: Internet) determined that conceptual confusion between the two terms can be resolved by emphasising that, in particular post-conflict situations, state-building appears to be a critical component of peacebuilding, while peacebuilding activities are frequently

regarded as critical components of state-building. Peacebuilding usually defines the context in which it operates in terms of conflict stages, while state-building perspectives do it in terms of degrees of capacity and willingness. In this context, "both peacebuilding and state-building include socio-economic recovery, security sector reform, strengthening civil society, and good governance measures. Some differences exist, however. Decentralisation, taxation and corruption feature much more prominently on the state-building agenda. Disarmament, demobilisation, and reintegration (DDR), gender issues and emergency relief play a significant role in peacebuilding. These differences can be explained by the primary context each approach originally referred to, namely consolidation of state capacity and early stages of post-conflict reconstruction, respectively. Yet, there is no compelling reason to assume that those differences constitute incompatibilities or lead to serious dilemmas per se. Rather, dilemmas and trade-offs will have to be accepted as being inevitable within each of the two concepts as they present themselves today as wholesale approaches for solving fundamental issues of social order which, by all historical experience, cannot be solved without some social costs" (Grävingholt *et al.,* 2009: Internet). Eriksen (2009: 652) focused on the obstacles that external state builders face in the practical application of peace- and state-building in the Democratic Republic of the Congo. Factors such as insufficient resources, the inability to take the local context into account, domestic power relations that did not serve the interests of key actors, and unrealistic ideals of how the state should eventually look like have contributed to the failure of creating a liberal state in the DRC.

In summary, it is important to acknowledge that peacebuilding and state-building are two different processes and share some important attributes. Collectively they facilitate a process of political settlements and agreements on the way forward (rules of the game). They are critical in ensuring that security sector reforms take place, including establishing a justice system, the rule of law, and an effective police force. Further to this, they fulfil a key role in creating a constitution and strengthening core governance institutions. Lastly, they share a collective responsibility in overseeing electoral processes as well as the effective delivery of basic social services (Ingram, 2010: 3). For this study, these two terms are used interchangeably as both are relevant. In most supposed fragile states, violent periods were followed by peaceful ones and attempts to ensure that peace remains continues. However, more attention is given to state-building as it deals with state-society relations in the

reconstruction of institutions and services. Furthermore, from a fragile state position, reconstruction must occur in the image of an ideal state western state-centric template. But state-building is also significant from a Hybrid Political Order perspective as it deals with a greater emphasis on the role of traditional institutions (within society) and its relation to the state.

4.5   THE PROBLEM WITH WEBERIAN STATEHOOD AS THE FOUNDATION OF STATE-BUILDING

As was illustrated in a previous discussion, it is extremely difficult and often incompatible to measure conditions in states that are perceived as fragile to those in ideal-type Weberian defined western states. Anything that does not comply with the benchmarks set out by the latter is regarded as deviant and evaluated according to the degree to which they approximate those Weberian benchmarks. The dilemma of this argument is illustrated by Boas and Jennings (2005: 388), who imply that "to say that something 'fails' or 'is failing' is a normative judgement that is only meaningful in comparison to something else; in this case, that something else is the existence of a westernised, 'healthy' state that, unfortunately, has little relevance to most of the states in question because it has simply never existed there." Hybrid Political Orders (HPO) as a concept encapsulates a novel way of viewing social formations in which formal and informal elements coexist, overlap, and intertwine[7]. With specific reference to perspectives from a Weberian point of view, existing theoretical concepts are unsuited to understand the political and social dynamics of states that are regarded as failed or fragile. In fact, from a western perspective, the state has almost become second nature, and believed to be something that has become almost inevitable even though this form of rule is anything but the historical norm (Von Trotha, 2009: 38).

Ghani *et al*. (2005) discussed the 'sovereignty gap,' or the inability of the majority of states in the developing world to protect their citizens and provide essential services to the entire population. These states possess very limited internal accountability and responsibility with

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[7] Formal institutions have an explicit organisational structure, are founded on a written constitution or charter, and distinguish between offices and office holders. Formal institutions are frequently associated with modernity and rationality concepts. In comparison, informal institutions rarely have a defined structure, officers, or written charter and are more closely associated with tradition, custom, and community (Kraushaar and Lambach, 2009: 4).

a lack of a monopoly of force. Their solution, however, still involves the enhancement of the principles of good governance as the core responsibility of the state in the hope that it will contribute to successful development. Ghani and Lockhart (2008: 6 – 9) identified 10 core functions of the state, which is also regarded as the end goal the processes of peace-/state-building needs to strive towards. With a typical neo-Weberian point of departure, states must firstly possess a monopoly on the means of violence. The latter's importance lies in the fact that the citizens of the state must regard the right of government to possess this monopoly as legitimate – if not, the monopoly becomes unstable, affecting the stability of the state. Even in the case of a legitimate acceptance of this monopoly by the citizens, they must be made accountable by creating credible institutions and a system of checks and balances. Secondly, the state must have administrative control over the whole of its territory. This control must be managed by a well-structured bureaucratic system on all levels of government. Thirdly, the state must establish and maintain its ability to manage its public finances. A state cannot function efficiently financially if it relies on outside sources to fund its ongoing operation. Fourthly, the state has to invest in its human capital or the ability of its citizens as participants in the economy to contribute in the interest of the state's financial well-being. Fifthly, the state must provide its citizens with an array of citizenship rights and duties that treat gender, ethnicity, race, class, and religion equally and as part of a diverse foundation on which stability and prosperity should rest. In the sixth place, the state must be a provider of infrastructure on all levels of society and geographical locations within its territory. In the seventh place, the state must encourage the formation of a market that can function effectively in the environment created through infrastructure. In the eight place, the state must encourage wealth creation through managing its natural resources, financial capital and assets (or the state's ability to regulate and license). In the ninth place, the state must have authority over international relations, which implies that the ability to engage and build relationships with other states must be developed, and also enter into treaties and obligations with them. In the last place, the state must possess the ability to uphold the rule of law. The success of this depends on the state's constitution's ability to apply rules and to subject citizens to these rules on a continuous basis. The reality, however, is that many developing states do not fulfil all the criteria highlighted by Ghani and Lockhart (2008: 6 – 9). Governments in fragile states often do not possess legitimacy in the eyes of their citizens. Fragile states are often unable to maintain control over their entire territories, leaving citizens

in far-off and remote regions to take care of themselves through traditional institutions such as clan leaders, warlords and even religious leaders. These traditional institutions are often the only form of authority they know, with the official government being something distant and alien.

According to Ghani *et al.,* (2005: 9), the key to successful state-building lies in the commitment of states to perform these 10 functions in an integrated way so that decisions taken in the different domains of the state will enhance ownership and opportunities for the citizenry. The process further establishes the decision-makers' and their decisions' credibility and legitimacy, reinforcing the overall spirit of trust. Additionally, these functions contribute to the overall objective of establishing an accountable and transparent state with specific processes in place to ensure citizen participation in decision-making.

But why are the Weberian ideal-type state and its empirical reality so far removed from most countries in the world and why has this idea not been established in most of the developing world? Three ways exist through which this disassociation between image and practise can be explained. To begin, a large portion of the blame can be placed squarely on modernisation theory, more precisely on the cultural evolutionary theory advanced by theorists such as Ferdinand Toennies (1957), Talcott Parsons (1966), and Max Weber (1966). According to this theory, societies evolve inexorably from traditional to modern economic, social, and political organisational forms. Traditional institutions are relics of a pre-colonial era that must be overcome in order to modernise society and institutionalise state rule. Such a developed state has a clear division of powers (between administrative, representative, and executive functions) and a monopoly on coercive force to exercise control over the territory subject to its sovereign jurisdiction. The theory assumes that eventually, modernisation will replace all things traditional. It has, however, underestimated the resilience and persistence of traditional societies as a source of identity and a means of organising social, economic, and political systems in a modern, globalised world. Although state capacity (and the ability of states to become more involved in policy decisions) in many developing states have increased, no evidence exists to indicate that informal (traditional) institutions have 'obstructed' this growth or that the growth of state capacity has weakened traditional institutions. This adaptability and perseverance can be viewed positively or negatively. On the

plus side, tradition and custom expression can foster feelings of trust and order in complex social systems. A negative aspect is that tradition and custom are often used as justification for negative and discriminating practices against women and the youth (for instance, the justification of patriarchy and domestic violence). The challenge for development specialists and policymakers, therefore, is how to work and support traditional authorities in their quest and task to support, represent and contribute to the well-being of their communities in the 21st-century world (Clements *et al.*, 2007: 46 – 47; Kraushaar and Lambach, 2009: 2 - 4).

From a second 'culturalist' perspective, non-state institutions are perceived as an inseparable part of the cultural context that produced them. Western states are, therefore the product of a specific socio-cultural environment that is not present in most developing states. In this view, societies in developing states should not even consider a western state model since it would be incompatible with its own cultures and traditions. Although this view is more sensitive towards society's values, norms, and culture, it tends to position culture in such high regard that it is difficult to imagine how social change could ever take place within such a state of affairs. In the above perspectives, traditional (informal) institutions are either regarded as something in the process of transition or as static and invariant. A third perspective overcomes this problem by considering institutions to be adaptable, though within certain limits. From this point of view, norms, traditions and institutions change when faced with new challenges, when their environment changes or when they are confronted with new ideas. Such change may be rapid or slow but is never easy or predictable. It is neither teleological nor harmonious but rather conflictual and uncertain. Hybridity often becomes characteristic of these processes. The concept of Hybrid Political Orders finds its home within this perspective (Kraushaar and Lambach, 2009: 2 - 4).

When political representation is emphasised (as another critical component of political order), distinct and frequently conflicting forms and interpretations of leadership, authority, and legitimacy become apparent. While liberal democratic systems are frequently well-established on paper, they do not accurately reflect the actual processes of leadership selection and representation within the sphere of traditional governance. Many of these 'parliamentary systems' have a logic that is incompatible with liberal democratic principles, as leadership is frequently selected on the basis of kin affiliations and patronage. Often,

leadership positions are determined through handouts, necessitating corruption. Thus, leadership legitimacy is not so much based on formal state processes as it is on traditional (charismatic) authority, which frequently triumphs over legal/rational authority. State institution leaders frequently retain their positions only if they also hold some authority in the customary sphere or are endorsed by traditional authorities. In many cases, leaders within the customary sphere are offered positions in state institutions which can weaken customary governance. Despite its shortcomings (arbitrary, self-serving and parochial), customary leadership can still be effective and legitimate to manage and resolve everyday issues on grassroot level. According to Moe (2011: 142) "customary law, traditional societal structures (e.g., extended families, clans, tribes, religious brotherhoods, village communities) and traditional authorities (e.g., village elders, headmen, clan chiefs, healers, *big men* and religious leaders) often determine the everyday social reality of large parts of the population in developing states". This will become clearer as the Somaliland region is discussed. Legitimate state monopolies of violence are the exception rather than the rule in the majority of these states (Moe, 2011: 142). While customary forms of governance differ from the mechanisms of formal liberal democracy, they can be participatory and consultative in nature. Certain aspects of liberal democratic elections may be alien to traditional customs that value consensus and inclusion. Elections in the western sense may thus have negative consequences, such as social unrest and escalating conflicts. However, because customs generate their own set of problems and dilemmas, they are not regarded as qualitatively superior to liberal democracy. The complexities of traditional decision-making regarding participation and inclusion in decision-making based on age, gender, and status are incompatible with liberal democratic concepts (Boege *et al*., 2009b: 18–19).

In fragile states, the welfare dimension (with reference to social services) is generally weak in terms of the capacities and effectiveness of state institutions. Without state institutions, this role is filled by kin groups adhering to customary reciprocity and sharing norms. Additionally, institutions of civil society, such as religious organisations or churches, frequently play a critical role in providing basic public goods such as health care and education (Boege *et al*., 2009b: 19).

4.6 THE PROBLEM WITH TOP-DOWN STATE-BUILDING PRACTICES

It is widely assumed within the fragile state discourse that state fragility results in violent conflict, which can result in state failure or even collapse. Because states are expected to provide security and order for their citizens (internal role) and to act as the structural elements of the international system (external role), state fragility has a detrimental effect on the state's citizens, neighbouring states, and the international community. A widely held belief, particularly among American scholars, is that fragile states serve as breeding grounds and safe havens for terrorism, weapons proliferation, and criminal networks (Menkhaus, 2010: 93 – 95). As a result, these states are viewed as the root cause of a number of today's most serious problems and one of the most pressing foreign policy challenges of the modern era. The idea of state-building, or in a certain sense, the re-invention of the state, has thus become a popular solution to stop state deterioration. Furthermore, conditions in fragile states are also carefully scrutinised by donor countries and multilateral donor organisations and often determine their development policies and assistance (Boege *et al.,* 2009a: 15 – 16).

Government institutions in fragile states frequently lose both domestic and international legitimacy. At the heart of these conflicts are numerous disagreements over the design of the state that is about to be built. Concerning the latter, a further two opinions are prominent. One school of thought advocates for the state as a minimalist night watch whose primary concern is security, while another views the state as a perpetual provider for its citizens' needs. Therefore, the debate is about the role of the state towards other authorities and groups in society. The natural reaction of the international community has been to broker new government institutions and assisting the new governments in regaining legitimacy in the establishment of security and economic functions. In peacebuilding, the reconstruction of fragile states is considered the norm. These states are expected to re-emerge as soon as possible, aided by international assistance, to reclaim their rightful place in the world community as fully democratic states. The standardised donor model of state reconstruction anticipates a transition from the *de jure* collapsed state to the Weberian *de facto* state. As a result, the donor model focuses on establishing or reforming a variety of state-related institutions, including electoral systems, executive financial agencies, parliament, the judiciary, the military, and the police. According to Kaplan (2010: 81), Somalia is a textbook

example of how the West's attempts to rebuild a state in the Weberian image failed miserably. Since 1991, the international community has supported no fewer than fourteen peace initiatives in Somalia, spending more than $8 billion to avert the country's total collapse, all of which have failed. Recent fighting has also displaced over a million people, and the occurrence of frequent famines has left approximately three million people completely reliant on food aid. However, a distinction must be made between organisational and institutional concepts. An organisation can be defined as a collection of bodies or groups of individuals united by a common purpose to accomplish goals. Institutions are more difficult to define, but are generally understood as human-created constraints that structure human interaction – they consist of formal rules and constraints, or 'the game's rules'. During peace- and state-building, what is actually implanted by international actors are organisations based on liberal democratic principles and therefore not genuine institutions, something that cannot be introduced externally, as it is so embedded within the fibre of the political communities it forms part of. Organizations cannot be replicated and expected to function in the same way in different contexts because they are mediated and shaped by a multiplicity of institutions within a given society and thus take on locally contingent forms. Often, these organisations are ineffective or even contribute to the escalation of existing problems. Any organization-imposed rule of law is subject to localised processes of unmaking or remaking (Mallett, 2010: 71–72).

Good governance is another key principle that has become a crucial prerequisite for providing aid by most national and international donor agencies. The involvement and preoccupation with fragile states by various developmental and donor agencies have demonstrated that this topic is no longer of mere academic interest but that conditions in these states have considerably impacted the practical developmental policies of major donor countries. Furthermore, national and military policies have also more increasingly become preoccupied with the problem of state fragility. The clearest illustration of the latter has been the 9/11 terrorist attacks which shifted the American strategic focus to the possibility that failed states might have the ability to harbour terrorism that could present a national security threat to that country. This has resulted in an obsession with transnational terrorism and the United States' 'war on terror.' American policymakers have recognised the importance of state-building as well, but with a much stronger emphasis on the security dimension, which requires

strengthening the capacities of security agencies such as the police, military, customs, and border protection as a precondition for receiving external assistance (Boege et al., 2009a: 17 – 18).

However, in light of the two primary objectives of international assistance, namely enhancing security and enhancing the population's well-being, the majority of state-building exercises have met with limited success (Smith, 2008: 233). This has prompted several scholars to re-evaluate the idea that fragile states had to be reconstructed in the image of the Weberian state model. Furthermore, the apparent theoretical weaknesses of the fragile state discourse and the way it seemed to misinterpret the political realities in developing states further encouraged the development of a less state-centric state-building approach (Schoeman, 2008: 751). While some states experienced positive economic growth during the first five years, this could be attributed to peacekeeping and donor expenditures rather than a fundamental shift in the economic structure. Economic growth tended to decline as peacekeeping operations winded down and donors started to reduce their expenditures. The same applies to attempts made by the international community to promote democracy. Many developing states have reputations for growing corruption, whilst in others, regarded as democracies, electoral fraud and suppression of dissent is rife. One of the most disappointing aspects of many state-building projects is the inability of governments to obtain legitimacy amongst their population because they failed to improve citizen's well-being. Initially, the population is hopeful and enthusiastic about the changing situation because of the influx of aid and the presence of peacekeeping forces. However, euphoria is soon replaced by despair as citizens realise that their standard of living has not improved (Francois and Sud, 2006: 150 – 151; Von Trotha, 2009: 39).

State-building projects have failed for a variety of reasons. Recent studies indicate that the post-conflict state-building approach is ineffective and frequently serves to delegitimize newly emerging governments. The latter contrasts with the international community's objectives. To begin, the proposed rapid results raise unrealistic expectations that are difficult to fulfil through a massive influx of foreign aid. Aid-funded projects, experience has shown, require more than just money; they also require competent institutions and an enabling environment, which emerges only after a few years. Second, due to limited government

capacity and concerns about corruption, many donors prefer to channel funds to non-governmental or international organisations that implement projects. Often, the recipient government is bypassed entirely during the process, becoming mere spectators in a donor-driven spectacle. Thirdly, donor capacity-building efforts have been largely ineffective. Despite numerous lessons learned from countries where substantial amounts of technical assistance were ineffective, donors continue to pour money into these areas. Fourthly, the international community frequently implements a broad set of political, social, and economic reforms in advance of the government's ability to foster ownership (Francois and Sud, 2006: 151 – 152). If the goal of state-building is to re-establish a strong government, the current approach to international assistance has been ineffective. Certain sections of it may even serve to undermine its legitimacy.

State-building (or, more precisely, state formation) in Europe, from which many of today's modern states emerged, took centuries and was frequently marked by inherent violence. To maintain their monopoly on violence, agencies that believed they represented the state were forced to expropriate the means of violence from competing social agencies. State agencies were frequently forced to resort to violence themselves during this process. The monopoly on the legitimate use of force against indigenous resistance was established through a highly competitive and violent process. Because of the above-mentioned processes, "states were able to control internal societal insecurity, lawlessness and violence by successfully monopolising the legitimate use of violence and providing a framework for the nonviolent conduct of conflicts" (Boege *et al.*, 2009a: 18 – 19). This can be considered a magnum opus of the modern state's historical accomplishments. While the state is capable of maintaining internal order, protection, security, and conflict management, it has also developed the capacity to amass large-scale means of violence, control, and coercion. The First and Second World Wars exemplify how states' actions destabilised international security (Boege *et al.*, 2009a: 18–19).

Although state formation in Europe and the rest of the world took centuries, the western state model was sold to the majority of developing countries during the post-colonial period. In the majority of cases, decolonisation was guided by a desire to replicate European political models. Although *de jure* statehood (international recognition by other states) was achieved

by many former colonies, they seemed to confuse the formal declaration of independence with the formation of the state (also compare Jackson and Rosberg, 1982: 13 – 14). The latter also implies *de facto* statehood, which refers to the empirical criteria for statehood or, in other words, state-society relations (the domestic dimension of the state). According to Cone and Solomon (2004: 52), "issues such as the government's monopoly on force, the presence of a definite population, territory and boundaries therefore play a role in terms of an empirical definition of the state." During the time of independence, many states were nothing more than empty shells. Their populations were not used to pre-colonial unitary rule, and a civic culture was non-existent. Furthermore, although many of their former colonial masters were democratic at home, the colonies were managed in an authoritarian fashion, making the establishment of successful statehood highly unlikely. Attempts to consolidate the newly introduced form of statehood have been unsuccessful in the majority of cases. In this regard, Boege *et al.* (2009a: 19) argued that "the global delivery of Weberian state institutions was not accompanied by the development of the economic, political, social and cultural structures and capacities that had provided the basis and framework for an efficiently functioning political order in the course of the evolution of the state in European history."

Apart from the fact that many of these states did not complete the process of state formation, they regressed from certain levels of statehood, primarily due to external factors. Neoliberal economic policies have frequently harmed the capacities of states in the developing world, eroded their legitimacy, and exacerbated their fragility. Due to the neoliberal agenda's specific targeting of state institutions, their core operational and regulatory functions were harmed. The primary consequence of this has been that the economic interests and policies of the developed world's 'strong' states have contributed to the growing fragility of developing world states. Ironically, the fragility of states in the developing world is then viewed as a security threat to the developed world's national interests. In other words, state-building is externally imposed without regard for input from traditional and non-state actors and agencies (Von Trotha, 2009: 40).

According to Clements *et al.* (2007: 45–46), current state-building practises are being scrutinised for their ability to 'do justice' to indigenous cultures, promote high levels of democratic participation, and ensure effective government service delivery. Is it possible to

establish stable democracies and strong state institutions in areas marked by poverty, inequality, corruption, and instability? Would informal institutions embedded within social norms (Hybrid institutions), such as Somaliland, which is discussed in greater detail in subsequent chapters, be capable of contributing to development goals in the absence of a functioning Weberian state system? The OECD (Weberian) model of the state as the ideal of the development process has not been realised in a large number of developing countries. Where state institutions exist, they frequently fall short of meeting the political, economic, and social needs of their regions' diverse cultures. Additionally, informal or traditional forms of governance have been undermined in the majority of cases by colonial rule and market capitalism. However, it has frequently been abused by specific individuals or groups to meet personal needs rather than for the village, community, or region's common good. As a result, the challenge is to conceptualise state-building in such a way that the Weberian state does not supplant or dominate traditional authorities, and vice versa (Clements *et al.*, 2007: 45–46).

From the standpoint of contemporary mainstream western policy and academic discourse on fragile states, political order hybridity is frequently viewed negatively because it appears to contradict the prescriptions of an ideal-type western state model. Attempts at state-building that ignore hybridity have historically had difficulty producing legitimate outcomes. While strengthening central state institutions along western lines is critical, this should not be the primary objective of state-building, as it risks further alienating indigenous societies by rendering them passive. This can erode their sense of local accountability for problem resolution and ownership of solutions. From Afghanistan to the Solomon Islands, history is replete with examples of failed state-building projects (Boege *et al.*, 2009a: 24–25).

4.7 TOWARDS AN ALTERNATIVE FORM OF STATE-BUILDING

The breadth of issues encountered in international peace- and state-building operations has sparked debate over a variety of alternative strategies for progress. Three schools of thought have weighed in on this subject. One perspective maintains that external actors should abstain from violent conflicts and instead allow local actors to establish their own peace and order. These arguments refer to the role of war in state formation and the victor's peace's strength in comparison to a negotiated peace. The second perspective believes that the

current approach to state building is correct, but that additional resources or increased local ownership are required for successful implementation. The third perspective takes a revisionist approach, attempting to strike a new balance between the assumptions and strategies underlying contemporary peace- and state-building interventions and local realities (Aguirre and Van der Borgh, 2010: 9 – 10).

The first attempt to recognise and move away from the limitations of neo-liberal state-building practices and the shared sentiments of the fragile state discourse has been what is referred to as neo-Weberian institutionalism. According to Solomon (2013: 247), the latter is an attempt "to circumvent the more traditional policy responses to state failure, namely that of state-building through first the promotion of governance and then development and structural adjustment programmes by placing their emphasis on the empirical capabilities of the dominant corporate group in the state to provide political goods, specifically that of security, which in turn is grounded in the concept of positive sovereignty, to provide policymakers with a more tailored and nuanced solution to very specific situations". Among a number of important political goods, the state is supposed to provide its citizens with security, especially human security. The moment the state can provide a safe and secure environment for its citizens, it also becomes much easier to provide other essential goods. Although this approach shows an awareness of the shortcomings of the fragile state discourse and is critical of the unimaginative way in which the West conducts state-building exercises in perceived fragile states, it remains too state-centric and neglects to consider the role of traditional forms of governance. The situation in Somalia is a clear case in point of the international communities negligence to engage directly with clan structures which contributed to the political chaos and instability. Ironically, in two regions within Somalia, namely Somaliland and Puntland, regional governments based on traditional forms of governance have managed to enjoy high levels of functionality and sustainability (Solomon, 2013: 247; Rotberg, 2003; Zartman, 1995). It is argued that if these structures manage to get international support, they would be able to provide for their population's basic day to day needs, from education to basic health care. The latter implies movement in a direction that comes closest to the main aim that the study would like to achieve: to find a more compatible and more suited non-state-centric alternative to addressing political obstacles in supposed

fragile states (Boege *et al.*, 2009a: 27 – 29; Von Trotha, 2009: 43 - 44). Within the broader neo-Weberian institutionalist discourse, several revisionist approaches developed.

The revisionist perspective is more critical of the liberal project of peacebuilding and advocates for a much stronger emphasis on local realities, institutions, knowledge, and agency. International actors are urged to facilitate local processes, strengthen local capacities, and supplement local actions in order to empower local citizens to create governance systems that are tailored to their unique circumstances and surroundings. Some adherents have even proposed a revision of international intervention practises and assumptions, advocating for a more emancipatory model. They base their criticism, among other things, on the fact that the global economic system tends to exacerbate war-torn societies' subordinate status. Additionally, the lack of integration of fragile states into the global economy makes it impossible for these states to carry out the international community's mandates. Additionally, state-building emphasises central state institutions (state-centrism) over local political arrangements and social networks capable of providing protection and services, oblivious to history, culture, ownership, and forms of community organisation. Additionally, criticism is levelled at international actors for frequently playing a neocolonial role, most notably in the cases of Afghanistan and Iraq, where state-building followed international military action. Liberal peacebuilders are elevated to a pedestal as the sole normative construct guiding local peacebuilding, effectively isolating liberal peacebuilders from their subjects. Finally, the 'myth of enduring state sovereignty' is criticised (in reference to the frailty of state boundaries and structures) because the international system appears to have difficulty accepting the realities of 'statelessness' and thus precludes new directions in state-building (Aguirre and Van der Borgh, 2010: 9 – 10).

Within the revisionist approach, several scholars have attempted to understand the political dynamics in developing states by focusing on local/traditional institutions that seemed to be intertwined with state institutions. Theoretical perspectives such as neo-patrimonialism, ungoverned spaces, mediated states and twilight institutions have been developed to focus on how traditional institutions form an integral and often opposing part of the Weberian understanding of the state (Kraushaar and Lambach, 2009: 6 – 14; Lund, 2007: 1 - 12). Since these theoretical concepts were only able to explain a single aspect or some aspects of the

realities in developing states, attention was more urgently focused on what is now referred to as Hybrid Political Orders. This refers to an attempt at developing a more all-encompassing and less state-centric understanding of the role of informal, traditional institutions in a political reality that traditionally have only recognised the role of formal state institutions. Brief attention must, however, be given to the approaches that preceded Hybrid Political Orders.

In recent years, there has been a growing acceptance of the legitimacy and viability of alternative forms of governance. During the beginning of the 1960s, Robert Dahl (1961) identified what he termed as political pluralism or a political sphere that consisted of various competing actors. More recently, much research had been done on the non-western phenomenon of neo-patrimonialism, which can be described as "a system of redistributive patronage-based politics whereby a central political elite captures resources from economic actors and redirects these to individuals and groups on the basis of political allegiance" (Sandbrook, 2005: 1120 – 1121). Ungoverned spaces are defined as geographical areas where government do not exercise effective control over its territories. They are increasingly recognised as potential terrorist safe havens, posing a significant threat to homeland security and foreign strategic interests. For example, portions of Mozambique are considered ungoverned spaces due to the country's lengthy borders, vast unpatrolled waters, significant physical distance from the capital Maputo, and a sizable Muslim population (with links to the Muslim world). The primary issue with the ungoverned spaces discourse is that it refers to areas rather than places with a history and identity – areas deemed lawless vacuums where anything goes and shadowy networks of individuals operate. In reality, a variety of competing governance mechanisms and decentralised forms of authority exist that are sometimes more effective at administering an area and enforcing rules (Mallett, 2010: 73–74).

Contrary to popular belief, fragile states do not devolve into chaos and anarchy. Instead, there are various levels of alternative governance mechanisms dubbed the mediated state. According to Wennmann (2010), the mediated state highlights "that when a ruler or government has little capacity to impose control over a given territory, existing power realities foster government arrangements based on deal-making, cooption, and sub-contracting whatever local non-state authority is in power in a particular locality." In most

cases, state capacity in fragile states is not evenly distributed across their territory. Nevertheless, areas with functioning state capacity are referred to as 'pockets of effectiveness.' The latter are defined as public organisations that continue to serve some notion of the public good despite operating and functioning in an environment in which the majority of other public organisations are ineffective and frequently subject to patronage (Wennmann, 2010: 27).

Lottholz and Lemay-Hébert (2016: 12 – 13) make a compelling case for how the ideas of Max Weber, especially in terms of his views on the monopolisation of violence, has been distorted and even "Americanised" into what has become a neo-Weberian institutionalist approach to state-building. This approach has become obsessed with its emphasis on state capacity and state institutions functioning autonomously from its social grounding while no attention is given to social cohesion. Social cohesion and bottom-up state-building go hand in hand. Furthermore, the monopolisation of power is taken out of its historical context and theorised as necessary in post-conflict reconstruction processes. The idea of peace is therefore embodied through monopolisation of violence – a true contradiction in terms. In cases where the sources of legitimacy are severely contested between different parties, stabilisation policies are often proposed, leading to the securitisation and militarisation of state-building missions. As a result, a significant flaw in this approach is its excessive reliance on this perception of power and physical coercion to maintain social order. As Weber himself argued, the use of force is a last resort in a series of practises aimed at establishing legitimate political authority.

Lottholz and Lemay-Hébert (2016: 13) proposed a post-Weberian approach to state formation as a more appropriate alternative to the neo-Weberian approach discussed previously. This approach would transcend the Western Weberian ideal-typical view of the state as the sole standard and would incorporate Western legal-rational standards into culturally diverse contexts. Furthermore, Lottholz and Lemay-Hébert (2016: 13) argued that "moving towards a post-Weberian perspective on state-building would entail a move beyond the reductionist division of states and their sources of legitimacy into modern legal-rational ones – 'Northern' or 'Western' states – and the 'developing states' associated with more traditional, charismatic and patrimonial logics. Instead, the focus should be on how authority

and legitimate claims to control are being negotiated and used by different actors". The research agenda should rather focus on hybrid state- and peacebuilding as the first manifestation of a post-Weberian approach critical of the state-centric approach to studying society and state-building.

Another perspective that has recently also made contributions to the revisionist debate is political anthropology. The latter has become important, especially because in an African context, state sovereignty is more frequently being challenged by the politics of identity - ethnicity, clan or religious fundamentalism. Africa's 54 nation-states have always struggled to accommodate the more than 3000 ethnic groups on the continent. Furthermore, the continent is rife with examples of identity politics that have caused ruptures (Sudan into North and South), splits (Eritrea from Ethiopia) and the disintegration of Somalia into autonomous regions such as Somaliland and Puntland. In all of the above cases, traditional authorities have reasserted themselves at the expense of the retreating Westphalian state. From a political science perspective, academics have never studied these new structures, so it is unfamiliar territory. Very little research has been done on the importance of cultural distinctions. The importance of incorporating political anthropology into political science is highlighted by the fact that Euro/state-centric modes of conflict resolutions on the African continent often result in failure and because traditional institutions and the critical role they could have played have never been considered (Solomon, 2013: 7 - 8).

By focusing on the social and political aspects of a society and their connections, political anthropology can contribute significantly to our understanding of the internal dynamics and complexities of the assumed governance void created in fragile states. Among other things, political anthropology is concerned with the origins and functions of power in society. It emphasises "the relationship between individuals within society, the distribution of power, how individuals obtain power, the extent and type of control those in power hold over society. Further questions that are also examined include the role of authority and leadership, the role of bureaucracy in complex societies, the effects of colonialism, the post-colonial situation and a comparison of legal systems" (Hann, 2013: Internet). However, the question of where power comes from remains central to this field of study; it entails an examination of the power derived from social institutions such as religious and kinship structures,

economic institutions, and the political system. As a result, it provides a more detailed account of the issue of traditional non-state governance structures, which are all too easily overlooked or even ignored from a state-centric fragile state perspective (Hann, 2013: Internet).

In this regard, anthropologists have frequently cautioned against a state-obsession, referring to ethnographic perspectives that look for vestiges of the state in primitive, archaic, and exotic societies. From a political-anthropological perspective, the question now is whether this same type of state obsession has resurfaced in recent years. Is the Western state model the only factor to consider or the only possible paradigm when establishing or reestablishing a state? The majority of current state-building exercises in post-conflict situations involve a number of technicalities, primarily institution-building and procedures involving due dates, transitional administration nominations, constitution adoption, and election date determination. Because this style of state-building is so procedural and technical, it tends to neglect a key ingredient in the successful transition to a peaceful dispensation: society, and more specifically, role players at grassroot level. The latter is frequently cut off from state activities but should play a significant role in decision-making. They never, however, acquire ownership of the dispensation to which they are supposed to contribute. As a result, little attention has been paid to pre-existing political arrangements and local political culture in a post-crisis state, such as how people relate to power. Frequently, the state is viewed as a unique, stable, and homogeneous reality. However, the state does not always exist everywhere. There are numerous examples throughout history of societies that lacked a state and thus lacked a centralised form of authority. As is the case in a large number of fragile states, some societies are capable of maintaining internal order and regulated interactions in the absence of an institutionalized/centralized authority and a state. Again, from a state-centric perspective, it is often wrongly believed that politics can only exist in the presence of the state. As was the case in Afghanistan, when the primary tasks of state-building failed, the neo-Taliban and insurgents stepped in to establish a functioning legal system and police force in several Afghan provinces (Gatelier, 2010: Internet).

According to Gatelier (2010: Internet), political anthropology's primary contribution is to conceptualise politics in the absence of the state. It examines the relationship between

politics and other social dimensions. It re-emphasizes the fact that politics exists everywhere, with or without the state. Earlier ethnographic work reflected a state-fetishism and an inability to observe alternative forms of organised politics within society. This resulted in a major misunderstanding, reminiscent of the fragile state discourse, in which traditional societies were categorised as lacking a state, writing, history, and wealth. However, the problem with political anthropology is that it tends to operate on a micro level. Its focus is placed so strongly on power and power relations in traditional levels of governance that it tends to neglect the role that formal state institutions still need to play in the transition towards a stable dispensation.

In *The Origins of Political Order,* Francis Fukuyama (2012) blends anthropology, social biology, history and political science to search for the origins of modern government. He also attempts to establish a theory of political development (almost similar to the theory developed by his mentor Samuel P. Huntington in the 1960s) but one that is more suited to current global affairs (Burleigh, 2011: 1; Gagnon, 2011: 83). Therefore, his perspective could sit comfortably within the broad ideas of political anthropology but only to a certain extent, as will be discussed later. It can also be accommodated within the broad goals of this study as it focuses on state-building with the idea of progressively moving in the direction of a dispensation that is experiencing turmoil, conflict and division to one that is stable, functioning and peaceful. Fukuyama is best known for his contentious theory of the end of history. He argued that, following the collapse of communism, the rest of the world would adopt liberal democracy as the norm of governance, complemented by a free market economic system. This aspect of his argument remains debatable in light of the continued prevalence of autocracy, illiberal states, and ineffective governance across a large portion of the globe. Additionally, it appears improbable that the latter regimes will adopt democratic forms of government (Hewson, 2012: Internet).

Fukuyama (2012) is interested in the global evolution of political order. Rather than taking a Eurocentric stance, he compares political evolution in India, Islam, China, and the West up to the eve of modernity, highlighting parallels and divergences. Unfortunately, little mention is made of Africa, which is unfortunate given that this is the research parameter for the study. According to Fukuyama, a modern political order is not a unified entity but rather a collection

of three distinct institutions with distinct histories, namely the state, the rule of law, and accountability. State-building is characterised by a struggle to create a neutral system that rises beyond family ties. To him, state-building is impossible if a system is still bound by kinship and family ties. His argument in this regard may be useful in the search for answers regarding the political turmoil experienced by so many African states. Have many African states not evolved to full *de facto* statehood because they are still stuck in systems of kinship? Fukuyama is adamant that China can be regarded as the first state to create an effective bureaucracy because it overcame kinship by appointing civil servants with no family ties. The rule of law is a legal mechanism that restrains government power by establishing universally accepted standards of justice. It originated in organised religion. In areas of the world dominated by Christianity, Islam, Hinduism, and Judaism, the rule of law developed prior to the establishment of states. China, on the other hand, cannot make the same claim due to its lack of autonomous religious institutions. Accountability entails that a government is accountable to the citizens it serves. If a government loses its accountability to its citizens, it is easily replaced through democratic elections. Accountability dates all the way back to seventeenth-century England, when parliament compelled the king to comply with its demands, laying the groundwork for democracy. Fukuyama referred to this as a historical accident, as the same phenomenon did not occur in European societies such as France and Spain during the same period (Carothers, 2011: Internet; Hewson, 2012: Internet). Fukuyama (2012) emphasised that humans are, in fact, political animals, and that throughout human evolution, humans have possessed four critical natural dispositions that are particularly relevant to politics. The first phase of the evolution process could be characterised by nepotism, where the inclination to associate with kin was high. Then humans evolved into religious beings, conformists, and seekers of status and recognition. Throughout his investigation, he concludes that nepotism, or kin selection, as manifested in strong tribal and clan lineages, is the greatest threat to the modern state. Fukuyama's contribution almost contradicts the political anthropology of which the scope of his contribution forms part. His arguments seem to fit in better with the neo-Weberian institutionalist approach discussed earlier. In his view, the ideal state should still be accountable and adhere to the rule of law. Ironically, to him, traditional forms of governance (with special reference to kinship) have historically been the greatest stumbling block in the evolution of the nation-state. For this

study, Fukuyama's contribution, within the confines of political anthropology, is still too state-centric in its approach.

The concept of Hybrid Political Orders fits well with these existing theories and contributes to our understanding of post-conflict political community and institutional structure realities. While concepts such as institutional multiplicity are useful for highlighting the coexistence and overlap of various rule systems, Hybrid Political Orders go further by incorporating and expanding on this by revealing the connections and associations between these various institutions. It deserves more attention as this approach has been the most influential in recent discussions on finding alternatives to the conventional top-down state-building in the fragile state discourse. Adherents of the concept of Hybrid Political Orders emphasise that the Weberian state is only one of several possible forms of structuring order in a particular territory, and that these alternative governance arrangements can act as a bridge between conventional socially engineered state-building exercises and state-building as an organic, but frequently violent, process (Wennmann, 2010: 25 – 26).

How are Hybrid Political Orders, therefore, different from the western model of the state? These differences can be identified in terms of the security, representation and welfare domains. Westerners frequently regard the security domain as the heart of statehood and structure it in a non-state-centric manner. Internal security and order are not maintained through the legitimate use of physical force from an HPO perspective. Rather than that, state institutions must coexist with non-state institutions. Village chiefs or clan elders maintain law and order in the majority of these states' communities. Customary law is robust and critical for communities in these areas, whereas the state judicial system is underdeveloped and frequently difficult to comprehend and access. The coexistence and cooperation of diverse institutional arrangements define security. Rather than a state monopoly on legitimate physical force, hybrid security domains prevail (Boege *et al*., 2009b: 17 – 20).

The conceptualisation of Hybrid Political Orders and the alternative approach to state-building it provides is discussed in detail in the next chapter.

4.8   CONCLUSION

Peacebuilding and state-building exercises are Western creations endorsed by the United Nations and initiated at the end of the Cold War to intervene in those conflicts that can be regarded as the remnants of the previous four decades. Therefore, the purpose of these exercises is to repair and reconstruct so-called fragile states in the image of an ideal type Weberian state that would ensure adherence to the principles of good governance, the rule of law, and respect for human rights. The chapter attempted to conceptualise peacebuilding and state-building as it is founded in and still plays an important role in current political development perspectives. Its adherence to the Weberian definition of the state and its reliance on the scholarly inputs of the fragile state discourse, further necessitated this conceptual scrutiny.

Although it was determined that certain conceptual differences exist between nation-building, peacebuilding and state-building, the chapter established that there are also similarities as well as differences in their roles and functions. Further examination of the Weberian definition of the state's influence on state-building practises uncovered an exaggeration of the role of state institutions in fragile states. State-building practices are therefore highly state-centric. However, this has not always been successful. In many cases, governments in fragile states are distant institutions often far removed from the needs of large sections of their population that would rather rely on traditional authorities and customary law as their means of service delivery, protection and rule. In Western-orientated state-building, the emphasis is therefore heavily placed on dysfunction in the fragile state and how the corruption, mismanagement, conflict and other issues can be repaired if effective and functional state institutions are introduced.

Rather than emphasising fragile states and all the negativity that surrounds it, Clements *et al.* (2007: 48) argued that attention should be focused on Hybrid Political Orders, an idea that is theoretically more appropriate and more applicable to the conditions in fragile states. Rather than blindly adopting Western state models as the only viable insurance policy for conflict resolution, development, economic growth, and good governance, it may be more prudent to focus on alternative forms of governance rooted in non-state forms of customary law and derived from community life. Thus, Hybrid Political Orders provide a more balanced and

inclusive form of state-building that encourages cooperation and symmetry between conventional state institutions and traditional forms of governance. This chapter discussed the characteristics of Hybrid Political Orders only briefly, as they are discussed in greater detail in the following chapter.

CHAPTER 5: A CONCEPTUALISATION OF HYBRID POLITICAL ORDERS AS AN ALTERNATIVE TO THE FRAGILE STATES DISCOURSE – INVESTIGATING THE PRACTICAL APPLICATION OF THE CONCEPT IN RWANDA, CHAD, MOZAMBIQUE AND SOMALILAND

5.1 INTRODUCTION

The previous chapter concluded that state-building, understood as a Western neo-liberal attempt to reconstruct conflict-ridden and fragile states into the image of an ideal-typical Weberian manifestation of the state, has become a contested approach. Its attempts to cure the "ills" of states that it perceives to be in chaos and disorder with the institutionalisation of Western state institutions. However, Western liberal peace- and state-building frameworks have not succeeded in creating legitimate state institutions as well as peace and order in most countries of the global south (Moe, 2011: 141). Markus Hoehne (2011: 309) stated: "states are increasingly recognised as heterogeneous and contested constructs. Different local or regional powers coexist, and sometimes compete, with official state institutions". In the second decade of the twenty-first century, the latter reality directly contradicted the widely accepted Weberian definition of the state as the authority exercising a legitimate monopoly of force over a defined territory. The loss of control and influence over portions of a state's territory does not always imply that the state has devolved into chaos and disorder. Other actors fill these vacuums of power and authority. Western observers often describe the latter as "statelessness", but Boege *et al.* (2009a: 6 - 7) asserted that "statelessness, however, does not imply Hobbesian anarchy, nor does it imply the complete absence of institutions. In many places, customary non-state institutions of governance, originating in the pre-colonial past, still play an important role in the everyday lives of ordinary people and communities". In their approach towards state-building in fragile states, Western policymakers have made two crucial mistakes that have contributed to the failures of these endeavours. On the one hand, there has been limited engagement with the local population and non-elites, and traditional societies often felt that they had no part to play or ownership of the process of reconstructing a state. In this context, traditional societies refer mainly to chiefs and clan leaders. In this case, there is often engagement with traditional leaders, but this engagement often takes the form of cooption, which marginalises the rest of traditional society. On the other hand,

considerable tension existed between the international fixed standard of state legitimacy, the concept of good governance, and local populations' perceptions of what constitutes legitimacy (Moe, 2011: 142). Therefore, the process was a one-sided top-down exclusive Western exercise instead of an inclusive, bottom-up process that would also involve a local population that at least felt that they had ownership (playing a significant role in the reconstruction of the state) in the project. In a number of fragile states, governance processes, largely initiated by non-state sociopolitical groupings, frequently continue despite the collapse of the state's governmental institutions.

The problem that this chapter attempts to address is reflected in "accounts of how post-colonial re-ordering in Africa (e.g., the case of Somaliland) 'speaks back' to, and in some aspects, overlaps and interact with, Western thought and practice, which may contribute to the reinsertion of Africa and the local into International Relations (IR) and policy discourses" (Smith, 2012: 21 – 36).

In contrast to the narrow state-centric approach of the fragile state discourse, the chapter uses the term 'Hybrid Political Order' as an alternative that is better suited in explaining the unique internal dynamics in fragile states, especially those in Africa. In a Hybrid Political Order, non-state indigenous societal structures coexist with introduced state structures. This re-conceptualisation is a clear attempt to move away from the prescriptive and often incompatible western-style state, which further opens new options for conflict prevention, development and state-building. The opposite has been proven in many perceived fragile states where alternative actors perform core state functions in the void that the absence of government institutions has created. The Hybrid Political Order discourse places a premium on the positive rather than the negative characteristics of fragile states. This way of thinking de-emphasizes weakness, fragility, failure, and collapse in favour of hybridity, generative processes, adaptive innovation, and ingenuity. Additionally, it emphasises the importance of community resilience and customary institutions as assets and sources of solution for establishing constructive partnerships between communities and governments.

The chapter commences with an elaborate conceptualisation of Hybrid Political Orders. As the study's main purpose is to investigate alternative forms of state-building that moves away

from current Western state-centric approaches to the idea of hybridity, it is important that the concept of Hybrid Political Orders as an alternative be thoroughly scrutinised. This will be followed by focusing on Rwanda, Chad, Mozambique and Somaliland as practically applied examples of where hybrid forms of governance function on a limited scale. Amongst these examples, Somaliland can be singled out as the most complete manifestation of a Hybrid Political Order in full operation, although it must be mentioned that true hybridity was an interim phase towards liberal democracy. This issue is discussed in more detail in Chapter 6. Only brief attention is given to Somaliland in this chapter, as it is discussed in much more detail in the next chapter as a practical example of the viability of a hybrid approach as an alternative to current Western state-building approaches. The chapter concludes with a critique of the Hybrid Political Order approach. The critique acknowledges that the hybrid approach is not a utopian revelation that will necessarily cause a paradigm shift in state-building and that it has shortcomings. However, as with all theories and approaches in the social sciences that are not exempt from criticism, the study attempts to show that the hybrid approach can add value to current state-building approaches by attending to the shortcomings of the Western state-centric worldview.

5.2   HYBRID POLITICAL ORDERS – A CONCEPTUALISATION

Liberal peacebuilding has, since the end of the Cold War, been the dominant model of international peace interventions. It commenced with the transitional process in Namibia in 1989 and continued with the independence of South-Sudan in 2010. During this time period, over 20 multilateral peacebuilding operations have been conducted that involved a liberal agenda encompassing market deregulation, security sector reforms and the establishment of democratic institutions. Although these operations have been dominant since 1989, not all conflict-affected regions have experienced international intervention. The case of Somaliland is an example of a locally orchestrated attempt at peacebuilding in the absence of international assistance. A major criticism of the liberal peace project stems from the fact that it regards the liberal model as the benchmark of peacebuilding, and states that do not meet these democratic institutional standards are labelled as failed or fragile (Smith, 2014: 1509 – 1510). As an alternative to the apparent insufficiencies of Western liberal peace approaches, an emerging body of scholarship has focused renewed attention on the concept of hybridity in the context of peace and state-building (Moe, 2011: 146). The issue of hybridity has

recently received increased attention for its usefulness as a conceptual tool to study non-conventional informal governance systems from discourses that study conflict-affected areas. This is especially reflected in the constructivist quest for diffusion and localisation (with specific attention to local ownership, participation and resilience) and its consequences in an arena dominated by a liberal international order. Even liberal and realist thinkers have shown interest in hybridity. However, from their perspective, emphasis is still more focused on a top-down approach of the developed world intervening in conflict areas. This attitude is reflected in their focus on different forms of trusteeship or counter-terrorism/counter-insurgency techniques to follow in peace interventions. Furthermore, "international organisations, militaries, international non-governmental organisations (INGOs), international financial institutions, academics and many others seem to have become aware of the explanatory potential of Hybrid Political Orders" (Mac Ginty & Richmond, 2016: 219). Smith (2014: 1510 – 1511) described this hybridity as illiberal peacebuilding processes and associated it with Hybrid Political Orders.

As indicated in the previous chapter, concepts such as clientilism, neo-patrimonialism and even warlordism have been associated with hybridity. They can be regarded as forerunners to the eventual development of the Hybrid Political Order discourse. For instance, Smith (2014: 1509) referred to neo-patrimonialism as illiberal institutions that can play a valuable role in reducing violence in transitional societies. In all three cases, attempts were made at filling a governance or service delivery void created by the government's inability to fulfil these essential services. They were, however, limited in their scope and only managed to address some of these government inabilities. Unfortunately, the concept of hybridity has not yet been taken seriously, especially from a Western developmental and peacekeeping perspective, and is continuously evaluated against the yardstick of an ideal Weberian state. Scholars in the field of hybridity have proposed a movement away from this one-sided Western perspective (with its overemphasis on the establishment of state institutions) to one that is more blended and acknowledges the coexistence of multiple structures of governance. From their approach, it implies the need for a re-assessment of the negative perceptions of hybridity, especially within IR theory and developmental studies perspective and that non-state power and customary authority (illiberal institutions) should be accepted as assets rather than obstacles in reconstructing post-conflict environments (Moe, 2011: 146 – 147;

Smith, 2014: 1509; Mac Ginty & Richmond, 2016: 222). Hybridity has its roots in biological and horticultural terminology and was later adopted by other disciplines such as anthropology, sociology, literature and post-colonial studies. The term has also generated controversy, with some scholars claiming that the biological definition (in which two species are crossed to create a hybrid) is too simplistic for analysing complex social-political dynamics. Additionally, other authors expressed concern that the term was too closely associated with biological determinism and connotations of racism or even exploitation associated with colonialism and Eurocentrism. The Hybrid Political Orders discourse is not a new phenomenon and has been studied, especially by scholars from political anthropology and post-colonial studies, to focus on the rather complex interactions between the colonisers and the colonised. The latter relationships often involved subjudication, extraction and control by the colonial powers over their colonies and involved various forms of other interactions, uneasy truces, and cultural exchanges. These were complex and multi-layered exchanges, and the assumption that the colonial powers followed a strictly top-down approach is often misguided (Mac Ginty & Richmond, 2016: 222; Smith, 2014: 1510 – 1511). Mac Ginty and Richmond (2016: 222) argued that "instead, there have been complex transcultural dynamics patterned by power, coping and human agency. Although hybridity can be observed as an emergent social construct, any notions of determinism must be rejected. Hybridity is not merely the moulding or merging of different entities or institutions to form something new but involves a long-term process of negotiation, co-option, resistance, conflict of interests, domination and co-existence. From this perspective, the term hybridity can be viewed through a post-colonial lens". The role of traditional institutions is important for several reasons. One is that African state-building efforts have not yet succeeded in establishing robust states capable of providing public goods to all sectors, necessitating the state relinquishing some of its responsibilities to local communities. This is not to say that the state has renounced its traditional role as a catalyst for governance and security. It merely reflects the notion that traditional institutions serve as a counterbalance to the state's diminishing role. Traditional dispute resolution institutions frequently prioritise mending broken relationships over punishing perpetrators. Apart from resolving conflicts, one of the most significant characteristics of traditional conflict resolution mechanisms is their capacity to engage members of society and foster a sense of community. As a result, conflict resolution

is frequently conducted in the presence of family, clan, or community members, facilitating the development of a sense of belonging and communality (Mutusi, 2011: 3).

Weberian statehood is found in a very small number of states that are not members of the Organization for Economic Co-operation and Development (OECD)[8]. Many countries in the rest of the world, one could argue, are political entities that bear no resemblance to the western state model. The concept of Hybrid Political Orders was developed, among others, by researchers at the Australian Centre for Peace and Conflict Studies (with special reference to Volker Boege and his associates[9]) (ACPACS). It was based on field research conducted in several South Pacific islands and also in African states. For most scholars and practitioners, attention in post-conflict states is turned to issues of governance and then specifically to the kinds of governance mechanisms that are most suitable to such a post-conflict landscape. Numerous debates have proposed strategies based on dualism: formal/informal; state/non-state; traditional/modern; indigenous/Western; legitimate/illegitimate. Regardless of what policy options are taken, the dominant perspective remains the idea that the state's authority should be transplanted to post-conflict environments, often in the image of the ideal-typical western model of the state. This is where the concept of the Hybrid Political Order (HPO) shifts the paradigm by attempting to overcome the notion of Western state institutions as the only superior and ultimate form of political order by purposefully deviating from their excessively state-centric nature. A Hybrid Political Order is one in which forms of socio-political organisation coexist that have their origins in non-state indigenous societal structures and in state structures introduced by the state (Boege, 2016).

Much of the interest shown in the hybrid discourse, especially from scholars in peace and conflict studies, is largely due to a disillusionment of the fragile state discourse and policy-driven problem-solving approaches that have proven to be ineffective in resolving important issues in post-war and post-transition societies. The illusion that liberal peace interventions would transform conflicting societies into successful liberal democratic dispensations proved

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[8] The OECD is an international organization that accepts the principles of liberal democracy and a free market economy.

[9] In terms of the discussion of hybrid political orders and for the purpose of the study, frequent reference is made to the contribution of Boege *et al.* (2009a; 2009b & 2009c) because very few other scholars have yet contributed as much to this fairly recent discourse.

to be much harder than anticipated, as the liberal peacemaking discourse was forced to confront its own inefficiencies and biases. Furthermore, peacekeeping practitioners have been confronted by hostile nationalist groups, greedy and corrupt government elites and stubborn locals whose worldviews are not neatly arranged according to a left-right ideological continuum. The interventionist powers and their affiliates often have embedded interests that are not conducive to peaceful settlements that benefit local communities. In many areas of conflict, Weberian state institutions are non-existent or have been adapted to conform to local conditions. It is exactly under these conditions that Hybrid Political Orders (and even disorders) manifest, where Western ideas of how a society is supposed to be managed and structured are uneasily accommodated by local values and practices (Mac Ginty & Richmond, 2016: 222).

Therefore, the idea of Hybrid Political Orders is proposed as a conceptual alternative to explaining the socio-political realities of developing states. The Hybrid Political Order discourse is more encompassing and advantageous than all the other approaches that have preceded it regarding, for instance, clientelism, neo-patrimonialism and warlordism. Firstly, in contrast to the approach followed by the fragile state discourse, HPO is a non-state-centric concept and does not evaluate political phenomena in terms of their relation to the state. This view does not consider the state to be the preeminent form of governance (Kraushaar and Lambach, 2009: 3 – 4). This broadens the scope of analysis beyond the dominant state-centrism. Second, the concept expresses no view on the efficacy of government arrangements and makes no recommendation regarding the mode of interaction between formality and informality. It is open to various kinds of interaction ranging from competition to substitution. This agnosticism makes HPO an attractive vantage point from which exploratory empirical research can be conducted. The approach further rejects teleological and essentialist arguments and focuses on an approach that is open to dynamic change. Hybrid Political Orders have a much broader focus than any of the other concepts. It does not limit itself to specific social fields or types of interaction between formal and informal institutions. It therefore never holds expectations that formal polity and informal political structures should necessarily interact in some particular way.

In contrast, all the other hybridity concepts suffer from two key problems. They are narrowly constructed and focus on particular social fields or modes of interaction. These concepts, therefore, focus on a specific aspect of hybridity rather than on the whole. The second problem is that they are too closely bound to a state-centric point of view. Informal institutions are analysed in terms of their relationship to formal institutions, and any deviations are regarded as an obstacle to modernisation (Kraushaar and Lambach, 2009: 14 – 15). Since there are no existing examples of where HPO has become an institutionalised system of government (and it being an interim process even in Somaliland), democratic decision-making will still be taken by liberal democracies. Also, because true HPO governments do not yet exist, issues regarding its implications for international law, possible membership of intergovernmental organisations and acceptance as states by other states cannot be discussed.

5.2.1   A typology of hybridity

The study of Hybrid Political Orders can broadly be divided into two contradictory approaches. The first approach follows a bottom-up strategy that involves the participation of traditional structures of authority in the make-up of government institutions to transcend (but not completely replace) the Weberian notions of state and liberal institutionalism. Unfortunately, this approach has been overlooked by international relations perspectives on state and peacebuilding. This approach further acknowledges that societies in the aftermath of conflict are usually intertwined in "messy" politics, making empowering the local so much more important (Mac Ginty & Richmond, 2016: 219 - 220).

The second approach is less progressive and views hybridity as a process of co-option, organisation and direction by international organisations and states that manage peace interventions. The liberal interventionist strategies (that uphold neo-liberal moves of shifting responsibility and lowering intervention costs) followed in Iraq and Afghanistan are examples of this approach. This is a top-down approach as most planning and organisation are directed by the state to manage the peacebuilding process with very little local input and influence coming from the affected conflict state. This approach, like that of liberal imperialists in the past, expresses the need for alternative forms of trusteeship and administration of indigenous populations (Mac Ginty & Richmond, 2016: 220).

Mac Ginty and Richmond (2016: 220) are sceptical of the second approaches' views towards an outside actor's organisation or direction of hybridity. In their view, hybridity occurs contextually and involves constant negotiation processes as different local actors compete with one another. Smith (2014: 1510) argued that many conflict-affected areas, such as Somaliland, have either not experienced or resisted international intervention. Therefore, the process is unpredictable, and the management of such a hybrid process cannot be carefully crafted in a laboratory and then rolled out into a useable and applicable package. Within the hybridity approach, emphasis is on the "everyday" – a concept that has received much attention in the post-colonial state-building discourse. It refers to the ways in which daily life is sustained through a variety of socially sanctioned practises and the strategies individuals use to manage their existence within the social space in which they find themselves. These may include small-scale patron-client exchanges, the maintenance of some forms of subsistence economies, family and kin protection networks, as well as customary law and authority that sustain a society's daily judiciary needs. These "everyday" practices are hidden from current state-building operations because of their overemphasis on a state-based (top-down) understanding of security (Moe, 2011: 147 – 148).

Suppose the policy discourse on hybridity is to be positioned on a continuum of literature. In that case, the one end observes hybridity in simplistic terms, explaining it as integrating and merging different political systems into a third system. This view has an ethnocentric point of departure. It proposes the Western democratic state as the positive norm whilst referring to hybrid institutions more negatively as non-traditional and even defiant. The opposite end of the continuum is occupied by the view that hybridity can be an analytical tool and challenges the traditional views of the Western democratic state as the ideal. A third perspective occupies the middle ground on the continuum of literature, between the two opposite views, and regards hybrid institutions and practices as crucial in successful peacebuilding efforts. This literature aims to "instrumentalise" hybridity by empowering local actors to work in the service of liberal internationalist goals. This approach is still top-down because it is internationally created and administered and has recently been observed in hybrid tribunals and transitional justice as well as systems of governance that involve local actors. This approach is therefore still an attempt to save liberal peacebuilding, but by utilising a Western

Hybrid Political Orders approach, it runs the risk of creating a foundation for new forms of the authoritarian state because this form of hybridity is associated with manifestations of trusteeship that involves the partisan cooperation of favourable local groups and power-holders. As a result, this latter approach to hybridity should be questioned, as it appears to have a limited understanding of hybridity as a tool for analysis. Additionally, it appears to underestimate the true potential of hybrid institutions and practises and promotes a Western righteousness that casts doubt on the legitimacy of indigenous institutions (Mac Ginty & Richmond, 2016: 224 – 225).

Therefore, the policy interest in hybridity seems to follow two directions: the one takes a more academic approach that also considers academic insight; the other considers Hybrid Political Orders as just a trendy and fashionable concept. The latter approach considers Hybrid Political Orders merely as a diluted version of the liberal peace agenda that serves as the foundation upon which the neoliberal state is established. These states are global participants in terms of economic activities and security but often also benefit corrupt ruling elites at the expense of the citizens they are supposed to serve and protect (Mac Ginty & Richmond, 2016: 225). Smith (2014: 1510) added that under this approach, neoliberal policies are still externally imposed "encompassing political and market deregulation, legal and security sector reform and the strengthening (or creation) of democratic state institutions".

One of the first scholars to provide academic substance to the idea of hybridity was Ken Menkhaus (2005; 2006) with his concept of the "mediated state". The latter is described as a setting in which the state is either unwilling or unable to perform its core functions. Other actors such as traditional leadership, religion, and civic leadership take action to perform these necessary responsibilities for local people. In some regions where the state has found it difficult to exercise control, non-state governance arrangements have been drawn into and even coupled with formal state structures to perform the necessary functions. As such, it can be described as a negotiated division of labour between formal state institutions and other non-state actors that may include local security, services, and development. In the case of a mediated state, there is acknowledgement from the state that it has lost its ability to exercise control over its peripheral areas but that it at least still has a willingness to indirectly promote the rule of law over its whole territory. The idea of shared sovereignty, where the state cannot

exercise its full sovereign power, could be considered an alternative to maintain relatively effective governance and the rule of law. Menkhaus (2007: 78) cautiously warned that "mediated states are intrinsically messy, contradictory, conservative, and generally not considered as ideal choices for governments" but that "this model often is the best of bad options for weak states". His take on hybridity is problematic because his views still seem to be overwhelmingly shaped by the Western idea of an ideal Weberian state as the end goal. His use of the term 'weak state' betrays his obvious belief that such a weak state must first convert itself to a mediated state (where formal and informal governance merges) to evolve into an ideal-typical Weberian state. For the sake of argument, one can also assume that an ideal-typical strong state can also be demoted to the status of a mediated state, although the Western perspective tends to ignore this. Hoehne (2011b: Internet) shared these sentiments when he argued that "hybrid political systems may be effective in stabilising politics during a transitionary phase (i.e., after civil war or independence) as it seems to be the only and most appropriate alternative for many post-colonial and post-conflict countries". From both these perspectives, a modernisation mindset becomes obvious in that hybridity is regarded as just a temporary bridging phase towards what is to become an ideal state.

Other hybridity scholars, however, propose their ideas as a permanent solution to post-conflict realities. Within this discourse, two significant approaches can be distinguished. The one body of scholarship focuses on the internal dynamics of reorganising a post-conflict setting in such a way that state institutions and non-state actors coexist and interact in a balanced manner. The other approach focuses more on the interaction, contestation, and fusion of external international donors and agendas with local actors. Both these bodies of literature interact, supplement and overlap with one another to form what is referred to as the Hybrid Political Order (HPO) discourse (Moe, 2011: 146).

In their authoritative definition, Boege *et al.,* (2009b: 24) argued that "in 'Hybrid Political Orders' diverse and competing authority structures, sets of rules, logics of behaviour and claims to power co-exist, overlap, interact and intertwine. They combine elements of introduced western models of governance and elements stemming from local indigenous traditions of governance and politics, with further influences exerted by the forces of globalisation and related societal re-making or fragmentation (e.g., ethnic, tribal, religious)".

The significance of this definition is reflected in its acknowledgement that in a hybrid form of state-building, there is competition for power between diverse authority structures, between those in traditional structures of authority and those found in Western democratic institutions. However, through extensive consultation and negotiation, these different authority structures are merged into a hybrid form of authority structure that displays both the characteristics of Western democratic institutions and traditional structures of authority.

Hybridity is characterised by an absence of categories and binaries often used by a Western top-down styled state-building approach. Hybridity tends to be more holistic in its approach, by avoiding orthodox conflict analysis templates, which often takes little note of issues such as gender, dissent among the populace as well as inconsistencies. Instead of oversimplifying these issues, hybridity emphasises that various sources of power and agency can constrain or enable state-building efforts. The world is much more complex than the binary approach followed in many peace- and state-building efforts want us to believe. Hybridity should not be observed as the evolution of traditionalism to modernity (compare Palmer, 1989), as is often the case with Western approaches. If hybrid peacebuilding is to be successful, it should be viewed as a distinct approach that seeks to raise issues of historical and distributive inequality and dismantle long-standing power structures (e.g., different social, cultural, political, and economic hierarchies) (Mac Ginty & Richmond, 2016: 228).

The hybrid approach faces significant difficulties in establishing and configuring relationships between diverse actors and their sociohistorical, normative, and interest frameworks. In this context, different actors are expected to compromise despite existing power relations that place them at a lower status than governing elites and international actors. However, hybridity should not be observed in terms of a static local reaction to the international but rather as a fluid process of hybridised actors and norms impacting one another. If a situation is reached where international actors and local leaders achieve translation, accommodation or equilibrium, this is referred to as hybrid peace. The latter can be further described as "a framework in which power circulates between its constituent actors, who are involved in a range of discussions of how conflict can be resolved or transformed at its related local elite and state, regional and international levels" (Mac Ginty & Richmond, 2016: 229). Leadership (especially traditional leaders) at a lower status level than government elites and

international actors are expected to maintain equality and order at the everyday level with the necessary support of state elites whilst still maintaining certain levels of autonomy (Smith, 2014: 1510; Mac Ginty & Richmond, 2016: 229).

Positive hybridity can be emancipatory and socially just if it successfully manages the dilemmas created by existing power relations by striving towards success through the experiences of those caught up in these experiences. If the above scenario cannot be achieved, these encounters might produce a negative hybrid peace "resting mainly on hybrid forms of politics which reify existing power structures and hierarchies. A danger is that it leans too far towards the preferences of internationals, state elites or global capital (meaning it is contaminated by direct, structural and governmental power) as has been claimed in Liberia" (Mac Ginty & Richmond, 2016: 229; Newby, 2017: 156 - 174). In contrast, a positive hybrid peace succeeds in being emancipatory and empathetic and is not contaminated by power but rather enabled by it. Because of this, any oppressive social, economic, military and political structure cannot be regarded as hybrid forms of peace, nor can counter-insurgency methods that are associated with peacebuilding. A positive hybrid peace requires simultaneous legitimacy at the local, regional, and international levels (Mac Ginty & Richmond, 2016: 230). Simultaneously, bottom-up rather than top-down empowerment of marginalised actors, communities, or individuals is required. For a positive hybrid peace to succeed, it must foster collaboration. Such a positive hybrid peace will be revolutionary if it is locally oriented and based on indigenous identity. It will, however, be less so if certain concessions are made, particularly in the area of human rights. Hybrid forms of peace liberate the process from fixed and hegemonic local and international categories. It is not disguised as an attempt by donors to model the peace process according to a Western liberal framework that the locals should just accept. If a bicameral parliament is, for instance, envisioned as merely a tokenistic nod to the local, it cannot be regarded as a hybrid polity (Mac Ginty & Richmond, 2016: 229, Newby, 2017: 156 - 174).

From the hybrid political perspective, state formation is approached from the bottom up.Thus, local authorities and communities become the drivers of the constitution of social order instead of following the traditional top-down approach of state-building that tends to overemphasise the duplication of Western state institutions in post-conflict environments

(Lottholz & Lemay-Hébert, 2016: 11). Unfortunately, adherents of the Western views of state-building tend to have a negative and suspicious attitude toward hybridity, mainly because the roles of traditional societies are not well understood. This also stems from traditional state-building approaches' inability to comprehend anything that falls outside of the scope of institutionalising government institutions to remedy state failure, including the role of non-state actors. The Western school of thought would usually acknowledge the role of civil society institutions, but only when it complements state institutions. Ironically, states characterised as failed or fragile do not have a well-organised civil society which further enhances ignorant attitudes towards traditional societies. Zinecker (2011: 1) explained: "civil society is defined as a non-normative, analytical-logic realm which constitutes a societal sphere distinct from the surrounding realms of family, economy and the state". While this is true in the majority of developed countries, civil society in developing countries is frequently fractured by non-emancipatory (non-democratic, non-economic, and non-civilized) channels. It is then easy to dismiss all actors who do not fit neatly into the Western liberal format, whether state institutions or civil society, on the grounds that they are illiberal or undemocratic and thus unfit to participate in state-building efforts (Boege et al., 2009b: 24). This strategy of replicating what is perceived as good developed states in the developing world ignores the historical and cultural context that are unique features of each developing state for the price of being accepted by the international community. These are misconceptions that need to be removed from the Western mindset as most hybridity scholars argue that state-building exercises cannot succeed unless the interplay of traditional societies and customary law with the mainstream Western discourse is recognised and implemented.

Governance in a Hybrid Political Order is carried out by multiple actors or even different agencies. These actors may be local, national, or international in scope. Additionally, these actors may include customary institutions, non-governmental organisations (NGOs) (both domestic and international), religious institutions, and state actors. There is no clear delineation between state and informal or traditional institutions in a Hybrid Political Order because "they combine and borrow elements from each other. A customary institution that works within a hybrid state will adopt the language of the state and certain functions of the state. Rather than seeing its 'hybridity' as a matter of dysfunction, it could be regarded as a

potential basis for a stable, legitimate and contextually specific form of state system" (Boege, 2009a: 6 – 10).

Hybrid Political Orders are discussed in the literature as a heuristic tool for comprehending how power and legitimacy are negotiated in areas where the Western liberal democratic state model does not work. As with Somaliland, they are presented as a model of successful statehood in which traditional authorities are integrated into government. In the early 1990s, these authorities were involved in peacekeeping and state formation. Their role was institutionalised in the House of Elders, or Guurti, or parliament's upper house (Hoehne, 2013: 199). The state-building process in Somaliland is discussed in more detail in Chapter 6.

5.3 TOWARDS HYBRID STATE-BUILDING: SOME PRACTICAL APPLICATIONS IN CHAD, RWANDA, MOZAMBIQUE AND SOMALILAND

Ineffective state authorities can coexist territorially with more localised non-state actors. The realisation of the co-existence of official state institutions (that are often unable to provide all the essential services expected of a state) and customary non-state authorities (that seem to fill this incapacity void) has forced scholars and academics to rethink the traditional perception that the fragile state had to be remade in the image of a Weberian western state model (Wennmann, 2010: 26).

It can thus be argued that Hybrid Political Orders are not an attempt to bypass the role of the state, although an attempt is made to usurp the seemingly dominant paradigm of state-centrism. Within this frame of reference, emphasis is placed on the reality of a viable political community, of which states are a critical component. From the HPO perspective, the dominant understanding of what constitutes a political community is challenged, recognising ungoverned spaces or statelessness as intrinsically political spaces or a *polis*. This perspective rejects narrow models of political community. While the state's importance is acknowledged in post-conflict landscapes, the existence and political functions of other actors and institutions are emphasised. As previously stated, adherents of the HPO discourse frequently emphasise the resilience of customary non-state institutions and authorities such as clan chiefs, village elders, and religious leaders, who shape the local experience of the state and are frequently critical actors in ensuring its effective operation. The emphasis of Hybrid

Political Orders is further placed on what is referred to as 'actually existing' governance, which implies that practitioners focus on what *is* there instead of identifying what is *not* (the latter being the approach usually taken by the fragile state perspective) (Mallett, 2010: 75 – 76).

As a result, research should move beyond a state-centric focus and instead attempt to comprehend the context of what constitutes true political order in fragile regions. The state is only one actor in a fragile environment, and state order is one of several orders claiming to provide security and social services. In many cases, the state claim authority within a particular territorial area. However, in large parts of that territorial area, pockets of ungovernability can be found where the state seems to have lost its control and authority (stateless areas) (Boege *et al.*, 2009a: 20 & Da Costa & Karlsrud, 2011: 19 – 20).

As a result, the state has lost its capacity to exercise effective control over its entire territory. It must be emphasised, however, that statelessness does not imply Hobbesian anarchy or the complete absence of institutions in this context[10]. On the contrary, in many areas, pre-colonial non-state institutions of governance have survived colonialism and national liberation. Although they were forced to adapt to new circumstances, they demonstrated remarkable fortitude in the process. In areas where the state has lost control, informal indigenous societal institutions fill the void by operating within the (incomplete) state structures according to their own logic and rules. Under these circumstances, traditional conceptions of statehood – defined in terms of a committed citizenry with a sense of citizenship – become nearly obsolete, as citizens' self-perception is non-existent. In contrast to the citizenry of the majority of modern nation-states, people regard themselves as members or loyalists of sub- or transnational social entities. Members have faith in their communities and leaders but have little faith in the government and the state's legitimacy. The state is frequently viewed as a menacing external force that is not only geographically distant (governments frequently control only the capital city), but also psychologically distant. People are only loyal to the group they belong to, and the state's rules are generally ignored or disobeyed. The same applies to legitimacy, which rests in the hands of the group leaders,

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[10] Hobbes' vision of the state of nature was an awful, brutal and violent reality with a society of individuals facing off against one another in a desperate struggle for survival.

and not in the hands of state authorities. State authority is acceptable only if its leaders are also leaders in a traditional societal context (e.g., a minister who is also a tribal chief). This state of affairs is referred to as hybrid legitimacy, which is a combination of traditional and/or charismatic legitimacy, as well as legal-rational legitimacy. It can therefore be argued that "regions of so-called fragile statehood are generally places in which diverse and competing claims to power and logics of order co-exist, overlap and intertwine, namely the logic of the 'formal' state, of traditional 'informal' societal order, and of globalisation and associated social fragmentation (which is present in various forms: ethnic, tribal, religious)" (Da Costa & Karlsrud, 2011: 17 – 18).

One of the most important assumptions of the liberal peace template has been that to create a peaceful post-conflict state, the state's authority needed to be expanded to all levels of government and society. However, in many states that find themselves within such a post-conflict scenario, the central government is perceived as illegitimate and corrupt by the majority of the population, not to mention a feeling of isolation, alienation and distance from the government that people at grassroot level often feel. The idea of expanding state authority is frequently pursued at the expense of traditional authorities who serve as *de facto* local leaders. Such an approach can often have very unsatisfactory results, increasing levels of intolerance and violence instead of creating stability and peace, idealised from the liberal peace perspective. For this study, emphasis is placed on Chad, Rwanda, Mozambique and Somaliland as examples of African states where different degrees of hybrid cooperation has taken place between the state and traditional authorities. These examples all display characteristics of what Smith (2014: 1509) described as illiberal state-building practices. Although the degree of hybrid cooperation in Chad, Rwanda and Mozambique has been limited, the case of Somaliland displays the strongest similarities to the definition of a Hybrid Political Order that was discussed earlier in the chapter. For the sake of a logical flow of argumentation, the case of Somaliland, as the strongest example of a Hybrid Political Order, will only be discussed briefly in this chapter, as it will be the focus of attention in Chapter 6. The brief discussion in this chapter is to distinguish it as the strongest example of a Hybrid Political Order from Chad, Rwanda and Mozambique that only have certain features of a Hybrid Political Order.

5.3.1 Chad

The April 2011 national election in Chad serves as a perfect example of hybridity. What the international community intended to be a strategy for democratic transition in Chad devolved into a hopeless exercise for many Chadians who, despite their desire for peace and stability, saw the election as another way to legitimise the current government. While elections are widely regarded as the optimal method for establishing a democratic transition, it is unlikely that such actions will result in long-lasting peace unless a comprehensive and inclusive national dialogue is held that includes the entire population. To be successful, such an endeavour would require increased international pressure from states such as the United States and France, as well as the participation of rebel groups in the east (which account for a small minority of the population) and the majority of the population in the south, which is largely disconnected from the state's political and security affairs. This section of the population is constituents of traditional authorities (Da Costa & Karlsrud, 2011: 17 – 18).

Because the state must share authority, legitimacy, and capacity with other structures in such an environment, the state loses its privileged position as the political framework that provides protection, essential services, welfare, and representation. On the customary side, the term hybrid is used because it is broad enough to encompass a variety of non-state forms of order and governance. Additionally, it reflects the synthesis of elements derived from genuinely disparate societal sources that follow disparate logics. The latter asserts that these spheres do not exist in isolation but coexist and give rise to a distinct and genuine political order. In light of this, Hybrid Political Orders may be perceived as emerging states or may develop into them. Therefore, it is crucial that new policies should be developed to accommodate new forms or types of states that borrow ideas from the western model and acknowledge and work with the hybridity of particular political orders (Boege *et al.*, 2009a: 23 – 24).

What is often perceived as failure from a fragile state perspective is rather an independent, traditional form of governance that is self-sustainable in the type of protection and services it can provide for populations at grassroot level because these populations often feel isolated and distant from central government. Local and regional governance structures in eastern Chad are composed of government and customary authorities such as governors and sultans, sub-prefects, and'shefs de canton'. Local ownerships in these areas where central

government and its institutions are absent rely on a collaborative effort between traditional authorities (who effectively manage people's social lives at the grassroot level) and administrative state local authorities (who represents central government). Peacekeepers must maintain a delicate balance between these two groups of local actors, acknowledging the possibility of tension and anxiety between them and debating the true legitimacy of both state actors and their customary counterparts. The Political and Civil Affairs Section (POLCA) of the UN Mission in the Central African Republic and Chad (MINURCAT) has always been charged with the mission of extending the state's authority to previously ungoverned areas. According to Karlsrud and Da Costa (2013: 163), MINURCAT ended its mission in December 2010 at the request of the government of Chad. However, this decision was resisted by humanitarian and human rights organisations such as Amnesty International and Oxfam. Although these actions might be applauded, there are also serious concerns about the fact that UN Peacekeepers and other UN agencies often favour the extension of the power and influence of those national governments that are corrupt or even collaborators in and perpetrators of violence against the very same people they are supposed to serve and protect. It further raises issues about the power and influence of traditional authorities being sidelined (Da Costa & Karlsrud, 2011: 16).

The issue is that when indigenous systems are integrated and redesigned into central state structures and processes, they frequently require integration and redesign. While it appears as though they are appropriating state functions, they are also pursuing their own agendas under the guise of state authority and power. As illustrated by the case of Chad, the UN realised that for it to maintain its legitimacy as a mission, it had to guarantee the support of traditional authorities. While it was necessary to strengthen the authority of central state institutions, this had to be done in conjunction with existing customary structures. More emphasis needed to be placed on fostering communication between the central government, its representatives at the local level, and traditional authority structures. In balancing the participation between the actors above, an analysis needs to be undertaken to determine the actors' interests on all levels. In the case of Chad, this proved not to be that easy. In the eastern part of the country, national authorities were perceived by a large part of the population as one of the parties of the conflict. This was because they backed the Zaghawa tribe (from which Chadian President Déby and many of his allies are descended), which was

responsible for ethnic cleansing and displacement of indigenous people. MINURCAT had to tread carefully in this regard, as the sustainability of activities and the level of trust that local populations have in national authorities are contingent on an awareness of and consideration of these perceptions during the design and implementation of projects (Da Costa & Karlsrud, 2011: 19 – 20).

Numerous states have attempted to incorporate indigenous authorities in order to bolster their authority and legitimacy. This approach can not be regarded as a genuine partnership because traditional authorities are often made to feel part of the state to reinforce the authority of the state (e.g., tax collection). Traditional leaders might also use their newfound positions in state institutions to reinforce their own authority, but running the risk of losing authority in the customary context because their followers might regard them as agents of the state (Boege *et al.*, 2009a: 21 – 22).

5.3.2 Rwanda

An example that illustrates how traditional authorities can effectively cooperate with formal state institutions to benefit both is the so-called Abunzi mediation in Rwanda. The Abunzi mediation in Rwanda serves as a practical illustration of the relationship (synergy) between state and local conflict resolution processes. The Abunzi are indigenous mediators appointed by the state to resolve conflicts through a conciliatory process. This procedure ensures the resolution of the conflict is mutually acceptable. The mediators are selected on the basis of their integrity to handle local civil and criminal cases. At the moment, 30 000 of these mediators are active at the cellular level. The Abunzi coexists with other forms of decentralised governance, such as the so-called gacaca courts. By incorporating these other political orders into governance and conflict transformation processes, African governments essentially create democratic spaces for diverse actors to exercise their agency constructively (Mutusi, 2011: 2 – 3).

Abunzi mediation is a component of the Rwandan legal system, and mediation by the Abunzi is required before cases can be referred to local courts for local-level disputes, criminal cases, and civil cases with a property value of less than three million Rwandan francs. The Abunzi system is inspired by Rwanda's traditional dispute resolution systems, which promote

indigenous capacity for conflict resolution. Traditional institutions are critical for a variety of reasons. One is that African state-building efforts have not yet succeeded in establishing robust states capable of providing public goods to all sectors, necessitating the state relinquishing some of its responsibilities to local communities. This does not imply that the state has lost its traditional role as a catalyst for governance and security; rather, it reflects the notion that traditional institutions serve as a complement to the state's diminishing role. Traditional dispute resolution institutions frequently prioritise mending broken relationships over punishing perpetrators. Apart from resolving conflicts, one of the most significant characteristics of traditional conflict resolution mechanisms is their capacity to engage members of society and foster a sense of community.

Additionally, these institutions have the potential to contribute to Africa's democratic transition. As with Rwanda's state-mandated institutions, the Abunzi are facilitating citizen participation in public processes such as justice delivery and governance reform. The Rwandan constitution, for example, requires the Abunzi system to ensure that at least 30% of mediators are women. However, a significant obstacle to endogenous methods of conflict resolution is women's underrepresentation in discourse and decision-making at the traditional level. Regrettably, their participation in these established power structures continues to be limited. Traditional African institutions have flaws that necessitate reform, even more so when combined with modern political systems and their inclusion of diverse actors on the sociopolitical stage. Traditional systems are frequently politicised, with elites abusing their power for a variety of reasons. The close ties between traditional institutions (for example, the Abunzi) and the state can be viewed as both an opportunity and a constraint. There is always the risk of state-centrism in ostensibly local initiatives, particularly where the state is overly involved in determining the Abunzi's jurisdiction, mandate, and conduct, thereby eroding the latter's independence. The politicisation of the Abunzi is similar to instances in Nigeria, South Africa and Zimbabwe where traditional justice systems have been manipulated. In some instances, traditional institutions' authority has been diluted and translated into state-speak to the point where they have taken on a retributive and litigious tone. As a result, traditional methods of conflict resolution are not as exclusively restorative as they are frequently portrayed. The Rwandan Abunzi mediators demonstrate that traditional institutions are an integral part of modern civilisation and should no longer be

regarded as isolated rituals occurring in remote villages. These institutions have become ingrained in the modern post-conflict state, as the term Hybrid Political Orders attests (Mutusi, 2011: 3 - 4).

The recent formation of institutions, movements and formations because of and in reaction to globalisation has further contributed to the complex nature of governance in these areas. When state agencies are unable to provide security and basic services and traditional societal structures are weakened, people seek assistance from other social entities. These organisations and leaders are viewed as powerful and include warlords and their militias in remote areas of the state, gangs occupying informal settlements, vigilante groups, ethnically-based protection rackets, and religious movements. These new formations are frequently capable of inflicting violence on adversaries and controlling violence within their strongholds. They have even been known to occupy territorial areas within state boundaries. Under these conditions, elements within the customary sphere (e.g., chiefs, traditional kings and religious authorities) often combine forces with new formations such as warlords, tribal warriors and private militias. (Boege *et al.*, 2009a: 22 – 23). Non-state actors who do not fit neatly into the civil society mould prescribed by this state-centric perspective are viewed as spoilers who pose a threat to state institutions and whose power and influence must be broken. A problem that even adherents to the HPO discourse have to acknowledge is that spoilers such as warlords and leaders of organised crime do exist. Their influence must be reduced in order to establish and maintain legitimate forms of order.

Apart from the aforementioned negative elements, a variety of non-state authorities, including chiefs, religious leaders, customary leaders, and healers, are constantly at odds with and competing with state institutions. To ensure the success of the process of establishing peace and a sustainable political order, the influence of these non-state actors must be recognised and engaged. Experiments in peace- and state-building that ignore or combat hybridity have a great deal of difficulty producing effective and legitimate outcomes. As a result, it is critical to recognise the capacities and legitimacy of non-state providers of security and other public goods if processes of constructing state orders outside the Western model are to succeed. The situation in eastern Chad demonstrated that reconciliation processes initiated and led by mixed delegations (comprising traditional, religious, and state authorities)

had a greater chance of successfully bringing together local community leaders in the construction of fruitful dialogue and the formulation of a reconciliation strategy. As a result, international peacekeepers must rethink their role in the peacekeeping process. Contrary to popular belief, international peacekeepers should view themselves as facilitators of a leverage process (Da Costa & Karlsrud, 2011: 19 – 20).

Thus, mechanisms for positive mutual accommodation between state and customary non-state institutions, as well as civil society institutions, must be developed. These institutions do not operate in isolation, but rather as components of a'messy' local sociopolitical context. However, a state based on positive mutual accommodation may appear weak in terms of institutional, implementation, and enforcement capacities (especially from a Western perspective). This apparent weakness may develop into a strength as the state gains legitimacy in the eyes of the populace by refusing to impose its authority on customary institutions. This perspective emphasises the positive potential of so-called fragile states rather than their negative characteristics. To be successful in this endeavour, it is necessary to view community resilience and customary institutions as assets and sources of solutions that can be used to build constructive relationships between communities and governments, as well as between customary and introduced political and social institutions (Boege *et al*. 2009b: 19–20).

5.3.3 Mozambique

Post-conflict statehood in Mozambique reflects a hybrid form of governance in which authority comprises multiple social groups and actors, namely government, informal powers and external actors. As a result, the post-conflict polity never consisted solely of Frelimo or Renamo, but also of a number of informal players ranging from religious organisations to local strongmen and barefoot entrepreneurs. Additionally, the UN Operation in Mozambique (ONUMOZ) was involved, which is regarded as one of the most comprehensive peacekeeping missions of its time, having accomplished its objectives in less than two years. Using a Hybrid Political Order perspective enables one to appreciate how the UN mission assisted in shaping Mozambique's post-conflict institutional structure. The two national parties that participated in drafting the constitution were not only involved in drafting the constitution; the peacebuilding operation was also closely involved. Even in the early stages of Mozambique's

post-conflict period, external influence on the development of the state's political-institutional framework was evident. This indicates that the constraints imposed on the national political community's actions and decisions were the result of a collaborative effort between external and internal actors, resulting in a hybridised set of political relations. The relationship between traditional authorities and institutions and the formal political community is even more significant. Numerous studies have been conducted on the value of traditional institutions in terms of democratisation, conflict resolution, and economic development. These traditional institutions frequently include kin-based networks, reciprocity, and clientelism, and serve a greater role in the African context, where state institutions are frequently frail and unwritten rules are more influential (Mallett, 2010: 77 - 78). Cook (2019: Internet) discovered that between 2013 and 2016, Mozambique experienced varying levels of violence as a result of disagreements between the majority party Frelimo and the official opposition party Renamo. The disputes stem from Renamo's long-standing dissatisfaction with Frelimo's control of the state, which resulted in numerous armed clashes between government and Renamo forces. Although the two parties agreed to a permanent cease-fire and a final political and military agreement to resolve the conflict, the agreement was not fully implemented, leaving the door open for further conflict. Since 2017, Mozambique has also had to deal with attacks from a violent Islamist extremist group named Sunnah wa Jarma'ah (ASWJ) along its far northern coast, responsible for killing hundreds of citizens.

Political commentators and analysts frequently overlook these informal-formal relations. It is impossible to disentangle the concept of traditional authority from Renamo and Frelimo party politics in post-war Mozambique, because Renamo, in particular, has always viewed itself as the party of tradition. By contrast, one could argue that Frelimo influenced tradition as they developed their anti-colonial political agenda. Following independence, the chieftainship system was supplanted by dynamising groups, and party secretaries and chiefs were completely excluded from the new state hierarchies. However, it was quickly recognised, both internally and externally, that replacing the chieftainship system was extremely detrimental to both Frelimo's image and the effectiveness of governance (particularly rural). As a result, Decree 15/2000 was passed, formalising the recognition of certain manifestations of traditional authority. Thus, the political community was formed by combining state

institutions and traditional forms of governance. In this regard, it is argued that the Mozambican state has reclaimed sovereignty through the formalisation of culturally embedded traditional institutions (Mallett, 2010: 78 - 79). The example of Somaliland must be discussed separately from the other case studies as this is the best example of where the principles of Hybrid Political Orders have been practically institutionalised. Although this is only a brief reflection, the case of Somaliland and how the ideas of Hybrid Political Orders have been practically applied, is discussed in more detail in Chapter 6.

5.3.4   Successful hybrid state-building: The case of Somaliland

Somaliland is a former British protectorate in the northwestern part of Somalia, where the state collapsed following the overthrow of Said Barre's regime in 1991. In contrast to Somalia's collapse of government institutions, Somalilanders have managed to establish a functioning, effective, and legitimate political order over a 15-year period. Their success is due to the integration of traditional institutions (elder councils) and modern state institutions based on free and fair elections. The success of this state-building exercise is largely due to the involvement of traditional actors and customary institutions with roots in the clan-based Somali society dominated by the Isaaq clan. By utilising customary forms and mechanisms of conflict resolution, clan elders and their councils played a critical role in the peacebuilding process. Although Somaliland can be considered a self-sufficient and legitimate political entity, the international community has yet to recognise it as a state. It, therefore, complies with the *de facto* characteristics of statehood but not the *de jure* characteristics. In contrast to many other attempts, Somaliland has pursued peace and state-building almost entirely on its own, fueled by the strength and resilience of its indigenous communities. Somaliland's state-building efforts may be regarded as a success storey because they emerged from below rather than being imposed from above. Additionally, the exercise occurred in the absence of a central monopoly on violence (Boege *et al*., 2009a: 27; Pham, 2008: 22 - 25). It is, however, critical to again mention here that in the case of Somaliland, hybridity served as the means to an end in the democratic process that took place in the region. The interim phase of hybridity paved the way for establishing a democratic dispensation with Western characteristics and creating an upper chamber for clan leaders to also be represented in government.

Somaliland's experience demonstrates that new forms of state-building are possible without needing to replicate western state models but rather focusing on customary institutions rooted in local communities. The latter is true for the proposition that traditional structures serve as the cultural foundation for future attempts at state-building. While Somaliland's case may be considered an outlier, it is not entirely unique. Non-state institutions such as churches and other customary societal entities have stepped in to fill the void left by the absence of the state in the DRC's North Kivu province, for example. The same is true for the border region between Kenya and Tanzania, where a system of order maintenance and conflict resolution has evolved in opposition to state institutions and is based on customary law rather than state law. Even in Somalia, the 'poster child' of state collapse, informal systems of adaptation, security, and governance are in operation in the absence of a central government. The examples above, which incorporate elements of both the western state model and customary institutions, may appear quite dissimilar to western ideals of what government structures should look like and may even be considered weak in terms of institutions and enforcement capacity. However, the very weakness that fragile state scholars frequently attribute to a lack of state capacity may become a strength as the state gains legitimacy in the eyes of the public as the significance and influence of local institutions are recognised without an attempt to impose the state's supremacy (Von Trotha, 2009: 43 – 44). In this regard, Boege *et al.* (2009a: 29) concluded: "constructive interaction between state and customary governance is vital, as state fragility is not only a problem of political will, capacities, functions, institutions and powers of enforcement and implementation, but also a problem of expectations, perceptions and legitimacy. State weakness has two sides to it: a weakness concerning capacities of effective implementation and enforcement, and a weakness of legitimacy".

5.4   A CRITIQUE OF THE HYBRID POLITICAL ORDER DISCOURSE

Due to the novelty of Hybrid Political Orders, it is argued that blindly institutionalising the concept's practicality and implications into peacebuilding efforts would be short-sighted and potentially risky. To ensure robust analysis and sound politics, one must avoid romanticising the local and guard against the frequently antagonistic motives and actions of ostensibly benign local actors (Mallett, 2010: 65 – 66).

Peace and development scholars are often guilty of over-using and under-conceptualising the term hybridity. The latter term is frequently used interchangeably with the fragile or mediated state, as defined by the fragile state discourse. Additionally, interventionist actors appear to pay scant attention to the dividing lines between acceptable and unacceptable Hybrid Political Orders – an ethical reason to move away from realist and liberal frameworks and toward more post-liberal and post-colonial frameworks. Hybrid Political Orders have been found useful by scholars of state-building policies for managing relationships between international actors, national elites, and local actors. Additionally, hybridity is viewed as a complement to existing structures. International organisations such as the United Nations and the European Union make significant investments in so-called hybrid courts as a component of transitional justice mechanisms. However, critics have cautioned against instrumentalizing Hybrid Political Orders by viewing them as a middle ground between traditional and contemporary politics. Somaliland is used as an example of how the coexistence of modern and traditional actors undermined their effectiveness and legitimacy (Mac Ginty & Richmond, 2016: 226 - 227).

Additionally, the instrumentalization of hybridity reveals a limited understanding of the concept. Its ramifications as liberal peace policies (founded in Western institutionalism) are frequently used to this day. The practical nature of Hybrid Political Orders is evident in relation to weak, failed and fragile states (the fragile state discourse classification) where the existence of Weberian state institutions is absent. From this Western perspective, the move beyond a state-centric approach is obviously difficult to comprehend. The neoliberal state-building approach tends to repeat itself (and the consequent mistakes) by following a similar strategy towards all state-building scenarios, regardless of different and often unique circumstances within these different states. However, some Western governments and international organisations have looked beyond the notion of merely re-creating Weberian state models and rather pursue the possibilities that governance without Western-style government would still be able to provide stability and public goods (Mac Ginty & Richmond, 2016: 227).

A number of comments have been made and concerns raised regarding the concept's ability to, on its part, explain the socio-political realities of developing states.   In the social sciences,

several concepts describe and grasp the socio-political phenomena that Hybrid Political Orders attempt to understand. These concepts include, amongst others, quasi-statehood, neo-patrimonialism, ungoverned spaces and twilight institutions. Boege *et al*. (2009c: 87 – 88) argued that Hybrid Political Orders are more appropriate as an analytical framework than the above-mentioned concepts. These concepts are usually more limited in analytical scope while Hybrid Political Orders "is broader (perhaps too broad) and thus allows us to encompass different non-state forms of order and governance and at the same time to focus on the crucial point, namely the combination, interaction and mutual penetration of institutions of governance, which are of socially-historically distinct origins and which – in the process of combination, interaction and penetration – constitute new 'hybrid' forms of political order" (Boege *et al.*, 2009c: 87 – 88).

Bjoern Hofmann (2009: 79 – 85) raised a concern about the fact that even among different Hybrid Political Orders, distinctions/classifications should be made between types. It is argued that despite the latter's broad, all-encompassing qualities, no two Hybrid Political Orders are the same because of different internal circumstances and conditions within these entities. This was illustrated by the differences that existed in Rwanda. In a certain sense, adherents of Hybrid Political Orders are faced with the same dilemma as those in the fragile state discourse – a scope that is too broad and conceptually confusing. In this regard, Boege et al. (2009c: 88) acknowledged that this problem needs to be addressed and further refined. Developing a more complete picture of the various types of Hybrid Political Orders, as well as the various historical, social, and political processes that have resulted in these similarities or differences, would be a critical and necessary next step in developing the concept. Hoffmann (2009: 79 – 85) suggested that a typology of Hybrid Political Orders should continue to be informed by conditions in OECD member states. Boege et al. (2009c: 88), on the other hand, assert that the very purpose of Hybrid Political Orders is to overcome the idea of the state as a superior, all-powerful, and ultimate form of political order, frequently at the expense of non-state institutions. As a result, it liberates the debate from its current state-centric bias, thereby enlarging the frequently limited perspectives of conventional political science. Rather than focusing on the shortcomings of states in the global South and comparing them to ideal conditions in the Weberian ideal-type state, this discourse seeks to serve as an analytical tool for comprehending the complexities of these states. As a result, adherents regard Hybrid

Political Orders as an analytical concept rather than a normative one. The latter is not an aspiration or normative objective to be attained, but rather a reality in a large number of so-called fragile states. The intention is, however, not to present the state in a negative and even threatening light and Hybrid Political Orders as good and positive but to focus on the institutions and processes of governance at grassroot level or the actual determinants of political order whether that is orderly or disorderly.

Boege *et al*. (2009a: 27 - 29) presented two case studies (Somaliland and Bougainville) as examples of where Hybrid Political Orders have functioned reasonably well for people. However, there are also other incidences, such as warlordism, that illustrate massive problems that exist within Hybrid Political Orders. In this regard, Boege *et al*. (2009c: 88) acknowledged that there are no easy solutions to these problems and that the negative dimensions of Hybrid Political Orders are not to be neglected. The question of how to deal with strongmen and warlords, as well as the issue of neo-patrimonialism, has become a serious concern within the debate. This is the critical flaw in the HPO approach. What is to be done in situations where traditional structures and institutions of governance have been severely harmed or destroyed, where warlords and criminal gangs have taken control, and where social breakdown results in cruelty and despair? Again, Boegoe *et al.* (2009c: 90) and his colleagues recognised that there are no simple solutions to these concerns. They suggest, however, that each context requires a careful examination to determine whether there are ways to influence spoilers and reestablish social cohesion through collaboration with non-state informal actors and institutions from the customary and communal spheres. To them, it is frequently assumed prematurely that traditional communal structures and customary institutions have been destroyed. Often, traditional institutions can survive in secret or altered forms or have simply adapted to new circumstances. However, the idea of Hybrid Political Orders is to "raise awareness of their positive dimensions and potentialities, for instance by processes of dialogue between non-state informal communal and customary actors and formal state actors" (Boege, *et al.*, 2009c: 90). A frequently held misconception is that Hybrid Political Orders are merely non-state orders. The ideal of the discourse (which is its only normative orientation) would be to constitute a political community that can provide peace, security, and a framework in which conflicts can be conducted in a non-violent way.

Schmeidl (2009: 67 – 78) urged Hybrid Political Orders adherents to reach out into the great unknown, referring to institutions of governance that are foreign to western perceptions and experiences. Boege *et al*. (2009c: 90) made it clear that they were committed to taking the local seriously and, where possible, building on indigenous practises and institutions. They do, however, raise the possibility that their emphasis on the potential and capabilities of customary institutions will be (mis)interpreted as romanticised and idealised tradition. In their defence, they emphasise that they do not regard customary actors and institutions as superior to state institutions. They do, however, acknowledge that these institutions exist in a significant number of so-called fragile states, that they are a force to be reckoned with, and that external actors and institutions should engage with them in a constructive and informed manner.

In addition, Woodward (2009: 47 - 48) stated that the intentions of Hybrid Political Order scholars, however good they are, will probably fall on deaf ears. Interest-driven state-building strategies frequently seek to impose state-building pragmatically, with little regard for the ideals of good governance, but rather for trade and monetary liberalisation, property privatisation, and other interventions that benefit external actors. Of concern is that external state-building endeavours are ignorant of local traditions of governance and, even worse, deliberately suppressing and transforming those traditions. As long as this remains the case, the idea of Hybrid Political Orders will never be taken seriously.

Boege *et al*. (2009c: 92) acknowledged that the state will continue to be the international system's primary political foundation. The international system of states will have an impact on even the most remote corners of the globe in the current era of globalisation. Globally, internal political structures will become involved in interactions with the outside world (in this case, the world of states). These interactions will invariably have an effect on the internal order. Thus, the international system of states provides the context that shapes the internal order to some extent. Areas devoid of statehood are frequently perceived as voids that are ripe for filling by other states, whether through force, intervention, or occupation. The political elite in Somaliland, for instance, are seeking *de jure* statehood because of the threat that Somalia poses. Given this, the intention of the Hybrid Political Order discourse is to "confront the western concept of the state in the domestic realm with some deeper

awareness of what processes actually deliver peace, order and stability in many regions of the Global South (this is the analytical dimension of our concept), and we want to draw attention to the possibility and necessity of the emergence of indigenised forms of statehood, or to use a more general term, political community by means of positive mutual accommodation of introduced state and indigenous non-state institutions (this is the normative aspect of our approach)" (Boege *et al.*, 2009c: 92).

5.5   CONCLUSION

The chapter attempted to analyse and reflect on the ideas of the Hybrid Political Orders discourse with specific emphasis on its argument that the term 'fragile state' should be replaced by the much more applicable term 'Hybrid Political Orders'. As a result of the preceding discussion, it is clear that by redefining fragile states as hybrid-political orders, new governance options become available. Additionally, such an approach can significantly benefit from a reorientation of attitudes toward external assistance in state-building projects. Externally influencing governance structures can be re-examined in order to shift the emphasis away from narrow western-centric state-building models and toward understanding and engaging with hybrid institutions. Currently, donor agencies have an attitude of teaching people in fragile states how ideal state institutions should look and expect them to operationalise their implementation successfully. As a result, the state is frequently conceptualised as a collection of institutions that can be packaged and sold using certain institutional design principles and social engineering techniques. As a result, external actors concentrate on issues that appear relatively simple to implement by employing ostensibly technocratic practises (e.g., law, justice, and security) to deliver western-style courts, police, and penal systems. State-building, on the other hand, cannot be viewed as a technical exercise aimed at enhancing the capacity and effectiveness of state institutions. It is a far more serious and contentious political issue that will inevitably result in serious political conflict as the current distribution of power is threatened. The fragile state discourse is based on western political thinking that associates anything falling outside of the perimeters of what is regarded as an ideal-type state with chaos, disorder and terrorism. Scholars in the fields of Political Science and International Relations find it particularly difficult to imagine that life can continue in the absence of the state. The emphasis in the discourse on the Hybrid Political Order has shifted away from the negative characteristics of fragile states and toward the

positive. This way of thinking de-emphasizes weakness, fragility, failure, and collapse in favour of hybridity, generative processes, adaptive innovation, and ingenuity. Additionally, it emphasises the importance of community resilience and customary institutions as assets and sources of solution for establishing constructive partnerships between communities and governments. In this regard, additional research is needed to determine how hybrid political orders can be used to advance peacebuilding, good governance, and development. According to Boege *et al.* (2009a: 31), the best outcome of this approach to state-building would be "that new forms of governance emerge: combining state institutions, customary institutions and new elements of citizenship and civil society in networks of governance which are not introduced from outside, but embedded in the societal structures on the ground."

The Hybrid Political Order discourse is an effective analytical tool because it enables scholars and practitioners to grapple with the political and institutional realities of post-conflict landscapes, to recognise complexity, and to establish connections. Much of HPO's central tenets can be supported, including its emphasis on actual governance structures, recognition and appreciation of local, socially embedded institutions, institutional multiplicity, and acceptance of the diverse and heterogeneous outcomes that result. However, one must also be cautious. The possibility always exists that pragmatically-orientated researchers might uncritically promote the Hybrid Political Order discourse and indiscriminately institutionalised into the peacebuilding discourse by practitioners. This discourse has yet to gain widespread acceptance among scholars, possibly because it is predicated on the recognition of alternative modes of governance that do not neatly fit into dominant state-centric models. The danger with this position is that it can veer too far in the opposite direction, toward a reactionary stance that romanticises the local to the point where all local actors and cohorts of civil society are just as corrupt and illegitimate as the discredited state institutions. Warlords, criminal networks, terrorist groups, and drug cartels immediately come to mind as examples. It has been argued that the Hybrid Political Order discourse will not significantly challenge dominant approaches to peacebuilding, and that what is required is a more fundamental rethinking of statehood. Although it might not be paradigm-shifting in terms of providing practical and feasible alternatives to our current understanding of post-conflict environments, it does present an important and arguably necessary step towards changing the peace and state-building praxis. Reframing fragile states and ungoverned spaces as Hybrid

Political Orders is already a movement in this direction. Furthermore, the theoretical inputs, analysis and critiques of existing theories such as neo-patrimonialism, twilight institutions and mediated states are essential for developing Hybrid Political Orders.

CHAPTER 6: "AN ISLAND OF TRANQUILITY ON THE HORN OF AFRICA" –
HYBRID STATE-BUILDING AND THE QUEST FOR INTERNATIONAL
SOVEREIGNTY IN SOMALILAND

6.1   INTRODUCTION

In the previous chapter, Hybrid Political Orders, as an alternative form of state-building was conceptualised and theorised, and its practical application in Rwanda, Chad, Mozambique, and Somaliland evaluated. Although only certain aspects or characteristics of hybrid state-building were identified in the first three states, it is in Somaliland where the most relevant and structured example of this form of bottom-up state-building took place. For this reason, this chapter focuses on Somaliland as a case study of hybrid state-building, which involved the participation of traditional authorities in the almost complete absence of external assistance. As the chapter title indicates, Somaliland has, since 1991 (with the fall of the Barre regime), been regarded as a beacon of hope and peace amidst the decade's long chaos that has characterised state-building efforts in the rest of Somalia. Somaliland technically still forms part of greater Somalia, from which it has demanded independence for more than three decades. Because of the latter, the chapter focuses on two important issues that Somaliland is currently struggling with.

Firstly, the chapter argues that the top-down, externally driven, and Western neo-liberal approach to state-building in Somalia has not been successful and that it is important to focus attention on the importance and influence of the bottom-up and internally driven state-building approach in Somaliland, that has in combination with top-down elements, proven to be more successful. Wennmann (2010: 2) reminds us that despite the institutional differences in how state-building in fragile states should be achieved, there is broad consensus that a strong and functioning state is the only solution to solving poverty, political unrest and sustainable development. However, he further argued that a widening gap has developed between the top-down and bottom-up approaches to develop functioning state structures. Top-down state-building approaches are guided by particular sets of assumptions about how national and local government structures should be composed. Such a composition should be characterised by a functioning bureaucracy, a monopoly over the legitimate use of force, and

the government's ability to provide essential services to all individuals living within its territory. However, the top-down approach has been criticised by locals in the target countries as an imposition of authority that rarely relates to pre-existing formal and informal governance structures.

On the other hand, bottom-up state-building approaches are characterised by a transitional agreement between local communities and institutions, the central government as well as the international community to create a hybrid form of governance that involves the fusion of traditional informal structures with government institutions through a progressive transformation process. Here the main focus is on already established government capacity at local government level, where traditional authorities have often been responsible for providing more effective essential services (protection, justice and welfare) to their constituents than the national government. Wennmann stated that "bottom-up state-building, therefore, lies between the utopianism of quick-fix solutions advocated by top-down approaches, and the impracticalities of a violent, century-long state-formation process". Therefore, it could be argued that bottom-up state-building is essential for providing legitimacy and that the top-down approach needs to provide the functional organisational element of this hybrid form of state-building. The case of Somaliland is a good example of where this fusion of a top-down and bottom-up approach to state-building has been successful. During the latter process, extensive participation, cooperation, and consultation between diverse clan groups created a relatively peaceful platform from which an integrated system of governance, combining traditional authority and Western institutions, could be established. This laid the foundations from which a constitution could be developed that provided the building blocks for a democratic system. The relative successes that Somaliland has experienced with its state-building efforts need to be attributed to the fact that its political affairs have been dominated by the majority Isaaq clan, which under British rule (when it was British-Somaliland) was given self-rule privileges to conduct their affairs. This stands in sharp contrast to the more authoritative and controlling management style followed by the Italians in Italian Somalia. What is commendable about the Somaliland effort is that state-building was achieved without any significant external assistance from the international community. The local population took ownership of the process, which further contributed to relative peace. Secondly, Somaliland desires independence from Somalia, and therefore

international recognition as a state in order to sustain the relative peace and order that it has maintained through its state-building efforts. Its struggle to obtain this recognition has, as of yet, not been successful. Somaliland adheres to statehood requirements set out in the Montevideo accord (*de facto* requirements) but is not recognised by the international community as a formal state. Closer to home, it is also not recognised by the African Union (AU), who seems to be very reluctant to change any borders that have been established and demarcated during colonial times. Furthermore, the international community still seem to prefer a successful and united Somalia, based on traditional externally driven state-building practices, rather than to accept the legitimacy of a secessionist state that would contradict their efforts.

The chapter commences by focusing on the bottom-up hybrid state-building efforts that have characterised the relative peace that Somaliland has experienced over the past three decades. This is contrasted to the conventional top-down state-building strategies that are endorsed by the West and has failed to be successful in Somalia. Thereafter, the focus is placed on the struggle to recognise statehood that Somaliland has had to deal with since it declared itself independent in 1991. The fact that it adheres to all the requirements of statehood, except being recognised by other states, is elaborated, and attention is also given to attempts and efforts it has made to be recognised by the international community. The discussion also focuses on the implications of non-recognition for Somaliland and how this threatens its future sustainability as an "island" of stability in an unstable ocean. This discussion is integrated into a historical overview of Somaliland from 1960 to 2017. This overview is necessary to provide the reader with the necessary background of the historical circumstances that have motivated the people of Somaliland to determine their own destiny amidst the chaos that surrounded them since the 1990s. This section is followed by an evaluation of hybrid state-building in Somaliland. Here, the successes and failures of hybrid state-building are discussed in an attempt to confirm the point of departure of the study that a hybrid approach should be considered as an alternative to current state-building practices.

6.2 "BOTTOM-UP": THE CASE FOR HYBRID STATE-BUILDING IN SOMALILAND

According to Heleta (2014: 65 – 66), the concept of post-war reconstruction and development (PWRD) is fairly new and was introduced to the global scene with the post-Second World War American interventions in Western Europe and Japan. Although these attempts were successful, the superpowers' ideological divisions made it almost impossible for the international community and especially the United Nations (UN) to conduct similar operations during the Cold War period. The collapse of Communism, however, lifted these geopolitical limitations and created opportunities for multilateral operations and interventions in countries that experienced conflict. In the aftermath of the Cold War, peacebuilding and post-war recovery were regarded as one of the key responsibilities that the international community had to address. The most widely used postwar peacebuilding approach is externally driven, with powerful Western governments, international organisations such as the United Nations, aid agencies, and other non-governmental organisations (NGOs) taking the lead. From a Weberian perspective, Johnson and Smaker (2014: 4 – 5) argue that a state is defined as a collection of centralised institutions that makes binding decisions for a population within its territory through the use of a monopoly of legitimate force and that "building such an entity has historically entailed four main processes: expanding and consolidating exclusive control over a territory and its population, maintaining domestic order and policing, extracting resources, and eventually democratising state institutions". To them, the term state-building refer "primarily to the creation of centralised institutions that secure revenue and provide security, order, and basic public goods". Phillips (2016: 630) referred to the latter as top-down enterprises of formal institution building. Another approach is an internally driven or bottom-up enterprise where the local political elites and citizens, particularly those that have traditionally been marginalised, design and implement recovery programmes, with or without the assistance of external actors. Hersi (2018: 10) emphasised that the bottom-up approach was culturally rooted, locally owned, and socially acceptable to Somaliland people. It is assumed that the more inclusive a political settlement, the more resilient it would be. It is further assumed that Weberian governance institutions had to be an ingredient for enduring peace to last. A third assumption highlights that external assistance was necessary to end large-scale violence or prevent recurring conflict (Phillips, 2016: 630; Heleta, 2014: 65 – 66). A major point of criticism against externally driven post-war reconstruction and development (PWRD)

operations in the post-Cold War period has been that it was coercive and interventionist based on a blueprint approach (Weberian model) of "one applies to all." In the majority of cases, these interventions were also motivated by foreign governments' strategic interests, not necessarily by the needs and interests of the affected countries' citizens. Additionally, the majority of these interventions were shaped by liberal peace ideology. According to this view, swift implementation of neo-liberal norms and values combined with Western-style government institutions would create the ideal conditions for long-term peace and prosperity. However good the intentions, the early 1990s proved that neo-liberal efforts to transform war-torn societies into Western-style liberal democratic states instead turned into intrusive external efforts that left states with either compliant or predatory elites (Heleta, 2014: 65 – 66). According to Moe (2011: 142), several scholars and policymakers have recently emphasised at least two major problems to establish liberal democratic statehood and peace in Africa. Firstly, post-war state-building projects tend to ignore the engagement and participation of local populations and non-elites. Secondly, a lot of tension exists between what the international norms of state legitimacy and good governance expect of states, as well as how local experiences and perceptions interpret state legitimacy.

Recently, an increasing number of scholars have argued that postwar reconstruction and development should be conducted internally, as it must be the prerogative of the citizens of states most affected by the consequences of war to determine the type of peace they desire, as well as the economic, political, and governance systems that are most appropriate for the circumstances. After a war has ended, the reconstruction of a state is a daunting task that involves tending to damaged infrastructure, institutions and the economy, resettling of refugees, and the restoration of basic service delivery, amongst others. The success of these crisis management initiatives lies in the hands of local actors. The international community and powerful states can still be involved in pressurising unwilling local actors to participate through threats and even sanctions but the overall and long-term success to become stable and sustainable depends on sacrifices and compromises made by local actors (Heleta, 2014: 67).

From a state-building perspective, the Weberian or Western model of the state is frequently viewed as the strongest and most stable form of state, and anything that deviates from this

is viewed as fragile or incomplete. According to Burney (2012: 143), this attitude reeks of Eurocentrism, or as it is described by many post-colonial scholars, a 'distorted ideology' that tends to interpret the world through a Western or European lens. It is a belief in the superiority of European culture, values and knowledge. From this perspective, Western civilization is regarded as the pinnacle of human achievements and development. In contrast, the philosophies, knowledge, culture and scientific contributions of civilisations that fall outside of this Western realm are ignored and marginalised. Therefore, state-building in the post-colonial African state has been painted with a Eurocentric brush, ignoring the history, culture, and leadership contributions of local populations in these states. The Hybrid Political Order perspective takes a completely different approach as it argues that "instead of assuming that the complete adoption of Western models is the most appropriate avenue for conflict prevention, security, development and good governance, we should focus more attention on models of governance that draw on the strengths of social order and resilience embedded in the community life of the societies in question and work with the grain of actually existing institutions on the ground" (Boege, Brown & Clements, 2009c: 14).

Governance in a Hybrid Political Order is carried out by multiple actors or even different agencies. These actors may be local, national, or international in scope. Additionally, these actors may include customary institutions, non-governmental organisations (NGOs) (local and international), religious institutions, and state actors. In a Hybrid Political Order, there is no clear distinction between state and informal or traditional institutions, as they combine and borrow elements from one another. A customary institution operating within a hybrid state will adopt the state's language and certain functions. Rather than viewing its hybridity as a source of dysfunction, it could be viewed as a possible foundation for a stable, legitimate, and context-specific state system. Hybrid Political Orders are discussed in the literature as a heuristic tool for comprehending how power and legitimacy are negotiated in areas where the Western liberal democratic state model does not work. As with Somaliland, they are presented as a model of successful statehood in which traditional authorities are integrated into government. In the early 1990s, these authorities were involved in peacekeeping and state formation. Their role was institutionalised in the House of Elders, or Guurti, or parliament's upper house (Hoehne, 2013: 199). The Guurti's structure and function are discussed in greater detail later in the chapter.

Heleta (2014: 71) added that instead of "replicating a Western model of governance, Somaliland mixed the Western model with its own customary institutions and structures of oversight and conflict management, creating a hybrid system of governance and democracy that accommodates local context, norms and needs. The system of governance adopted in Somaliland – 'a hybrid of Western political institutions and the traditional Somali system of clan representation' – has been the key to peace and stability". Additionally, this hybrid approach to peace- and state-building was effective because it incorporated best practises from both domestic and international sources. Its establishment of a multi-party democracy was based on the use of traditional methods of consultation and consent, as well as the adoption of Western election models that were adapted to fit Somaliland's circumstances. Harper (2012: 2) stated: "more than two decades of conflict and crisis have forced Somalis to invent alternative political and economic systems. They have enthusiastically seized modern technology, fusing it with pre-colonial traditions to create some of the most advanced and effective money transfer systems on the continent and one of the cheapest, most developed mobile phone networks in East Africa".

However, it is clear that these traditional/customary institutions have their own limitations. They can be reactionary and negative toward groups such as women and youth in some instances. Their authority is typically limited to their own ethnic, tribal, or clan groups, and their responsibilities include only certain legal, political, and social issues. In many cases, elders are unconcerned about formal education or national security. The relationship between formal institutions and traditional/customary authorities is also not always harmonious in many states. Among the difficulties associated with this fusion of the traditional and legal-rational spheres are instances in which traditional authorities use national funds to enrich themselves and members of their kin group, resulting in allegations of corruption. Despite these reservations, and in light of the numerous failures to rebuild states from the ashes of post-conflict turmoil, HPO is now being emphasised much more for its capacity for constructive accommodation of various forms of legitimacy. Following that, hybridity is viewed as a possible starting point for developing new forms of state in which strong social ties, high social resilience, and effective and legitimate institutions are combined (Hoehne, 2013: 200).

Additionally, the majority of supporters appear to convey the impression that a balanced relationship between the state and traditional actors is possible and capable of relative permanence. As a result, Somaliland is highlighted to demonstrate how these orders are frequently unbalanced and how non-state actors are not always willing to perform tasks normally performed by the state. A more serious issue is that traditional authorities charged with government work frequently lose contact with and legitimacy within their constituencies, particularly when they take on tasks beyond their competencies and/or become corrupted by leading politicians. As a result of this state of affairs, a crippled hybrid exists in which neither the state nor traditional institutions function effectively and have a detrimental effect on one another (Hoehne, 2013: 200).

Somaliland was caught up in years of regional instability. Up to 1991, it was attacked and invaded by the Said Barre regime; it displayed an almost obsessive determination to create a successful, stable and peaceful dispensation as the means to obtain international recognition and, therefore full independence and self-determination from the chaos in Somalia.

6.3   SOMALILAND AND THE STRUGGLE FOR INTERNATIONAL RECOGNITION

Harper (2012: 2) stated that in addition to standard states that are bound by international law and enjoy complete internal sovereignty, there are also states that are internationally recognised but fail to collect taxes, provide the bare minimum of basic services, and have lost their overwhelming monopoly of force over their entire territory. Within the fragile state discourse especially, the weak statehood of these entities is either categorised as failed, fragile or even collapsed. The majority of Western observers regard Somalia as the poster child for the collapsed state. It has been described as a haven for terrorist groups such as Al Qaeda, the world's worst humanitarian crisis, and the world's most corrupt state. Furthermore, the capital, Mogadishu, has earned the unfortunate title of being the most dangerous city in the world (recall the disturbing images in the movie *Black Hawk Down* based on actual events). Sections of its coastline have also notoriously become a criminal hub for pirate activities. Especially from a Western media perspective, Somalia conforms to everything that constitutes a disaster area, namely lawlessness, violence, war and hunger. However, things look a lot better in Somaliland. When Somaliland was a British colony, it was regarded by the government in London as a backwards region with no real political and

economic worth and most of the administrative duties and functions were left in the hands of the clans in the region. Italy viewed Somalia as critical to its ambitions of establishing a North African empire that included modern-day Libya and parts of Egypt. Ironically, Somalia, where the colonial power set more ambitious state-building goals, is now the Horn of Africa's most unstable region (Keating, 2018: Internet).

With reference to the total absence of a government, the crisis in Somalia, just after the fall of the Barre regime, has been described by Charles Krauthammer in an October 1992 article in the Washington Post as "a Hobbesian state of nature. It desperately needs to be taken over and run by some outside power so that its suffering people can be afforded the minimal human decencies of food, medicine and personal safety" (Krauthammer, 1992). These statements have become synonymous with a Western attitude towards state-building where it is assumed that the people in the fragile state have to be rescued from their hardships by an external hand of salvation with a top-down state-building approach. This dilemma is further stressed by Walls (2009: 3) when he argues that "the rubric of the failed state has so comprehensively permeated the thinking of foreign governments, and therefore the approach of the multilateral and bilateral agencies who set a significant portion of the agenda throughout the Somali territories, that engagement with Somaliland has been limited to support for discredited transitional governments. It seems perverse that Somaliland's failure to win international recognition should limit examination of what has been largely successful, in the uneven process of conflict resolution, peacebuilding, and state-building". In stark contrast to this, Hersi (2018: 12) insisted that "the repeated externally driven and funded attempts to impose a Western-style centralised government on Somalia have not yielded peace, stability, or local legitimacy".

In contrast, a second group of entities do have the ability to exercise executive, legislative and judicial power over its territory but are recognised either by a few or no other states. Such states are often referred to as unrecognised states, separatist states, pseudo-states or *de facto* states. Keating (2018: Internet) even referred to such states as being caught up in "limbo world" when they act like a real state and then hope to become one. For this study, the term *de facto* state is used to describe Somaliland. Most recent *de facto* states have been formed due to the conflict that occurred during the latter part of the twentieth century and where

representatives of *de facto* states and those in the mother country were no longer able to resolve the issues that kept them apart in the first place. The prospects of a future geopolitical landscape that will be fluid and unstable increase the prospects of more *de facto* states proclaiming secession from their mother countries due to regional tensions and conflict (Hoch & Rudincová, 2015: 37 – 38). Arieff (2008: 60) stated: "Somaliland presents a stark illustration of the mismatch between internationally recognised sovereignty and what might be called 'stateness', meaning *de facto* ability of a governing authority to exert control over its territory internally and protect it against external threats. Nowhere is this disconnect more evident than in sub-Saharan Africa, a region where state boundaries have remained largely untouched since decolonisation.

Nevertheless, governments remain unable, in most cases, to enforce territorial control, as the proliferation of non-state armed groups challenging the state's monopoly on violence attests." In other words, Somaliland as an unrecognised state has maintained relative peace as a region within Somalia as a recognised state that is buckling under the strain of lawlessness and ungovernability. This mismatch is effectively illustrated by Menkhaus (2007: 93), who argued that "what sets Somaliland apart from south-central Somalia is a very strong commitment by civil society to peace and rule of law, which serves as a strong deterrent to would-be criminals, warlords, and politicians tempted to exploit clan tensions from violating the basic rules of the game. Somalilanders often lament that they are 'prisoners of peace', willing to tolerate corruption and other political vices by their leaders for the sake of maintaining the state of peace in Somaliland".

Since 1991, Somaliland has complied with almost all of the Montevideo Convention on the Rights and Duties of States' requirements for empirical sovereignty: a constitution, political parties, a population identifying as Somalilanders living within a defined territory, and engaging in a range of international relations (Hoch & Rudincová, 2015: 38). According to Arieff (2008: 62), Somaliland has a population of over three million permanent residents who live within the territorial boundaries received from Great Britain upon independence in 1960. It has further elected a president who is not a member of the dominant (Isaaq) clan and have formed a government that has proven to provide security to its people, exercises control over its territory and manage public administrative tasks (Williams, 2016: 126 – 127; Beaubien,

2017: Internet). The administration of Somaliland operates from their capital Hargeisa and is locally and internationally acknowledged as the legitimate voice of the Somaliland people. Elected officials fill portfolios in the Ministries of Foreign Affairs, Interior and Finance, and the government further participates in a wide range of relations with other states as well as non-governmental organisations in signing different cooperative agreements that relate to issues such as aid, election monitoring, security, counter-terrorism and trade (Arieff, 2008: 62). However, the core problem with a *de facto* state such as Somaliland is that it lacks external sovereignty or formal recognition by other states. A *de facto* state is defined as "a territory where (1) the political leadership must be in control of (most of) the territory it lays claim to, (2) it must have sought but not achieved international recognition as an independent state, and (3) it has to persist the state of non-recognition for more than two years" (Hoch & Rudincová, 2015: 38). Somaliland adheres to all of these characteristics in the absence of formal recognition as a state and mostly funded by its diaspora living abroad (Williams, 2016: 126 – 127). Beaubien (2017: Internet) added that Somalilanders had made a convincing case for statehood by arguing that they were a British rather than an Italian colony. Therefore, they were not technically part of Somalia.

Over the years, the African Union (AU) and its predecessor, the Organisation of African Unity (OAU), demonstrated its unwillingness to support the secession of regions from mother states. They adopted two Charters (1964 in Cairo and 2000 in Lome) that acknowledge only the existence of colonial borders at the time of a state's independence. These sentiments are further shared by the Arab League "on the ground that the unity and territorial integrity of member states is sacrosanct" (International Crisis Group, 2003: Internet). Even though the African Union has accepted the secession and eventual sovereignty of South-Sudan from Sudan and Eritrea from Ethiopia, Somaliland has yet to achieve judicial sovereignty. This unwillingness is mostly due to the bad reputation of areas that have broken away. It is therefore also shared by other intergovernmental organisations such as the UN, who would rather support the return of breakaway regions to the administration of mother states in the form of, amongst other options, broad autonomy or federal governance systems (Hoch & Rudincová, 2015: 39). The complex nature of this predicament is further illustrated by Jama (2017: 86), who argued that "Somaliland's self-exclusion from all international deliberations has led to *de facto* international support for Somalia's approach to unity and has effectively

denied Somaliland's electorate the opportunity to influence international state-building deliberations". Harper (2012: 3) added that the issue of Somaliland is highly contentious because, despite its independence, it is still considered part of greater Somalia by the transitional government in Mogadishu.

The formal recognition of statehood is a much more complicated issue than it appears. State recognition is not determined solely by international law, but by a complex calculation of various factors, including other states' self-interest, politics, personality, and strategic considerations related to the prevention and management of conflict. Arieff (2008: 62 -63) illustrated this dilemma by arguing that "at stake in Somaliland is not just government recognition (i.e., the recognition by other states that the Somaliland government is a legitimate authority and can make credible commitments on behalf of its population), but also, and more fundamentally, state recognition, as the international community continues to insist that Somalia (encompassing Somaliland's territory) persists as a state despite the dissolution of all functional mechanisms of its government". The Somaliland dilemma demonstrates that, despite compliance with empirical sovereignty requirements, recognition by other states is frequently the deciding criterion for statehood.

In 2002, the Somaliland government invited AU authorities on a fact-finding mission to the country to assess its suitability to become a member of the AU. Three years later, the mission acknowledged that Somaliland's case was "unique and self-justified in African political history" and that a "special" method of dealing with the countries request had to be implemented as soon as possible. However, despite many deliberations between Somaliland authorities and AU representatives, the membership application was not successful. Although some African states such as Rwanda, South Africa and Zambia were in favour of Somaliland's independence, its closest neighbours rejected this request outright, subsequently becoming an immovable obstacle in its way to AU recognition (Williams, 2016: 126 – 127). According to Keating (2018: Internet), Somaliland is in an unfortunate position as the arguments against its independence rests on factors beyond its control. A major concern is that if Somaliland is granted independence, it will make it impossible to prevent other regions with secessionist ambitions from doing the same. As discussed earlier, these sentiments are shared by the African Union and the Arab League, who are hostile to the idea of recognising further

territorial divisions. Furthermore, the UN has also invested a lot of energy and effort in promoting unity and stability in Somalia and views Somaliland's ambitions as a negative obstacle rather than observing it as a beacon of hope and stability. Unfortunately, the recent track record of newly formed states, with specific reference to impoverished and autocratic Eritrea as well as violent and chaotic South Sudan, has not at all strengthened Somaliland's argument for independence. However, some Western observers argue that, unlike the majority of its neighbours, Somaliland has had several contested elections with peaceful transfers of power since declaring independence. The American non-governmental organisation Freedom House even classifies it as an emerging democracy.

The fact that Somaliland has not been recognised as a state by other states is detrimental to it in a number of ways. Firstly, the Somali government cannot apply and benefit from bilateral aid or receive loans from the International Monetary Fund (IMF) or the World Bank. Secondly, international law prevents them from being a party to the signing of any bilateral or multilateral treaties. Thirdly, Somaliland is an autonomous region within Somalia, a state so dysfunctional that scholars often refer to it as the classic collapsed state, which has handicapped its economic growth. Investors are very reluctant to get involved in such an unstable region. The economy is further hampered by the fact that veterinary certificates, which directly affect their main income source, namely the export of livestock, are not internationally recognised. Fourthly, Somaliland's Central Bank is prohibited from issuing letters of credit, and the country's currency, while legal, is not accepted outside the country. Subsequently, trading has to be done using US Dollars. The fifth constraint has a direct impact on the citizens of the country. Somalilanders living abroad are frustrated because they are regarded as Somalis. Only Somali passports issued before 1991 are recognised by most other states, even though their validity has since expired. Although Somaliland does issue their own passports, it is not recognised by a single state (Arieff, 2008: 63).

This has serious financial consequences as it increases the premium for non-recognition between 7% and 8% on the cost of money. Another consequence is that Somaliland, with its population of four million people, only receives 15% of the US$1 billion in donor funding that is allocated to Somalia. Apart from an investment of US$4 million by Dubai Ports World (DPW) to upgrade the port of Berbera (and backed by Ethiopia for strategic reasons), very few foreign

investments are made in the country despite frequent expressions of interest and visits by different delegations. Recently, the latter investment project has made significant progress. President Muse Bihi Abdi of Somaliland inaugurated the first 12 kilometres of the so-called Berbera Corridor on June 1, 2020. The latter is a mammoth trade and transport corridor connecting landlocked Ethiopia to the Gulf of Aden port of Barbera. The United Arab Emirates (UAE) and the Abu Dhabi Fund for Development are funding the Addis Ababa-Berbera highway. The investment by Dubai's DP World in upgrading the port of Berbera has the potential to transform it into a regional economic hub (Fabricius, 2020: Internet). The main frustration for Somaliland is its fate (translated into it receiving its independence from Somalia) lying in the hands of the government in Mogadishu. The likelihood of this happening is very small. In the meantime, Somaliland needs to address its dire economic situation by transforming it from one that is too reliant on pastoral livestock herding to one that is capable of generating employment for the unemployed youth who can be a potential threat to the stability in the country (Mills, Herbst, Obasanjo and Biti, 2019: 5 - 6).

By late 2020, Somaliland's internationally and regionally isolated status has significantly changed as it established new diplomatic engagements, and in the process, winning for itself both friends and foes. Somaliland has been a silent actor in regional dynamics since it declared independence in 1991, owing to its lack of recognition and incentives from regional and global actors. Three significant geopolitical shifts, however, have reshaped Somaliland's foreign policy outlook, namely the Ethiopian/Egyptian dispute over the Grand Ethiopian Renaissance Dam on the Nile, the tense diplomatic relations between the People's Republic of China and the Republic of China (Taiwan), and the intensifying regional rivalry between the US and China for control of the Gulf (Hersi, 2020: Internet). Furthermore, Allison (2019: Internet) stated that the political tension between Hargeisa (Somaliland) and Mogadishu (Somalia) was not helped by the fact that Somaliland's President, Muse Bihi Abdi officially visited Guinea and was welcomed by the country's President, Alpha Condé as a fellow and equal head of state. These events angered the government in Mogadishu, who accused both Guinea and Somaliland of disregarding all UN resolutions and African consensus. In reaction, the government of Somalia severed all diplomatic relations with Guinea, although neither of the two countries maintained embassies in each other's territories. The risk for Somalia is significant as an independent Somaliland would mean the loss of a significant part of what it

regards as its territory and the fact that this would encourage other secessionist groups in the region to do the same. Monya (2020: Internet) asserted that the diplomatic relations between Taiwan and the government of Somaliland would be detrimental to the latter's quest for recognition as a state. Most African states previously abandoned Taiwan except for the Kingdom of Eswatini. Taipei's friendly relations with Somaliland have angered both Mogadishu and Beijing. This unwise decision by the government in Hargeisa further alienate them from other African states on whose support they are dependent in their quest for statehood. An added concern is that Taiwanese involvement in Somaliland might make this region a hotspot for the emerging new Cold War between the United States and China.

To put the above discussed issues in context, it is necessary to focus on the historical evolution of Somaliland: from its independence from Great Britain in 1960 to its self-proclaimed independence from Somalia in 1991, including the implementation of the bottom-up state-building project up to 2017.

6.4   THE SAGA OF SOMALILAND - 1960 to 2017

6.4.1   The turbulent road to independence

Pre-colonial Northern Somali society lacked leaders, permanent positions of power, and state-like structures. The majority of the inhabitants were pastoral nomads. Daily political and social relations were primarily regulated by patrilineal solidarity (tol) and customary law (xeer). Alliances between clans were formed, and these alliances could be cross-clan or lineage based on affinal ties, friendship, or simply shared interests. Traditional authorities were involved in pastoral politics, which involved negotiating access to pasture and water and resolving conflict within and between relatively small groups (Mills, 2014: 472; Hoehne, 2013: 202).

Between 1827 and 1960, the Horn of Africa was colonised and partitioned into five political entities based on traditional clan boundaries. The geographical area now referred to as Somalia consisted of the British Protectorate of Somaliland and Italian Somalia. The regional colonial aspirations of the time (specifically around 1900) manifested itself with France claiming "French Somaliland" (current day Djibouti) and Italy establishing a colony in the

South under direct administration of Italian settlers. At the same time, Ethiopia also made her aspirations clear by asserting sovereignty over the Ogaden region occupied mainly by ethnic Somalis (Arieff, 2008: 64). This included the colonial imposition of artificial borders, the adoption of the European legal system, and the establishment of a centralised government. This upended traditional grazing patterns and authority structures, upsetting the balance of clans and resource management. Rural and urban economies were transformed, and a strong emphasis was placed on expanding the livestock export market, initially to supply the British military garrison in Aden and later to export to Saudi Arabia's growing oil-based economy (Walls and Kibble, 2010: 36).

Between 1885 and 1900, the British government entered into a series of agreements with clan leaders. This culminated in the establishment of modern-day Somaliland as a British colony. Three treaties, the Anglo-French treaty of 1888, the Anglo-Italian Protocol of 1894, and the Anglo-Ethiopian delimitation treaty of 1897, established the legal regimes that largely determined the borders of British Somaliland. British Somaliland comprised the regions of Awdal, Wagrooyu, Galheed, Togdhhre, Sannag, and Sool. It had a geographical area of 137,600 square kilometres. The British established an indirect rule system despite the fact that their expansion was stymied between 1899 and 1920 by an anti-colonial uprising (Mesfin, 2009: 3). Thus, the British established the first Hybrid Political Order by integrating traditional authorities into their system of indirect rule through the payment of financial stipends and the replacement of independent traditional leaders with loyal colonial agents. However, this colonial Hybrid Political Order was limited in scope in comparison to contemporary definitions of HPO due to the fact that it was a traditional system administered by a colonial state. Thus, it was a matter of subordination rather than inclusivity (Hoehne, 2013: 202; Hoch & Rudinková, 2015: 39).

Education, commerce, and bureaucracy developed primarily in urban areas, marginalising the rural population. The conflict between traditional Somali society and colonialism's political and economic intrusion, with its numerous state policies, explains why the Somali population has struggled to establish a viable centralised state. Clearly, there is a conflict here between a traditional, decentralised, and egalitarian political system and the strategic interests of external actors. Somalis' traditional political affiliations are based on blood ties, with

economic activity, culture, individual and collective rights, and economic security institutionalised through clan and sub-clan units. Resources, rights, division of labour, and authority were all based on a social contract system (xeer) between and among clans. Adult male consensus was used to make decisions, and all activities, including conflict, were governed by widely accepted standards of behaviour. Violence that was controlled and socially sanctioned was a critical mechanism for establishing and maintaining social stability and cohesion. For the first time in Somali history, the colonial and post-colonial periods, which included Said Barre's rule and the civil war, succeeded in removing these customary restraints on the exercise of violence and replacing them with a state-centered monopoly. By the end of the colonial era, the Somalis, one of Africa's largest ethnic groups with shared linguistic, religious, cultural, and kinship traditions, were considered to be in a better position to establish a modern nation-state than the majority of newly independent African states (Walls & Kibble, 2010: 36 – 38).

Somaliland obtained its independence from Britain on 26 June 1960 and was subsequently recognised by 35 states, including the United States. A few days later, Italian Somalia also received its independence. The legislatures of the two territories decided that they had to unify instead of remaining two separate independent states, even though this decision was boycotted by the Somali National League, the most influential of the so-called "Northern" parties (in Somaliland). This boycott did not persuade them, and Somaliland made the mistake of forming a union with Italian Somaliland shortly thereafter, hoping that this union would also include French Somaliland (now Djibouti), Ethiopia's Somali-dominated Ogaden region, and a portion of northern Kenya. This union was never realised. The two newly independent states, however, merged on July 1, 1960, to form the Somali Republic (Arieff, 2008: 65; Mesfin, 2009: 3; Ridout, 2012: 139; Pham, 2012: 72; Mills *et al.*, 2019: 4).

The international community received the news of a unified Somalia with excitement and high prospects for political stability. It was one of the few post-colonial African states with a population that was ethnically, linguistically and religiously homogenous (Solomon, 2013: 238). This contrasted Somalia with other post-independence African states who struggled to form a viable transcending nationalism capable of uniting very diverse ethnic groups (Pham, 2012: 71). Ridout (2012: 139) and Pham (2012: 71) added that apart from minorities that

exist, the inhabitants are overwhelmingly ethnic Somali's, all speaking the standard Somali language, with a nomadic pastoral culture and practising Islam. Despite these strong similarities, the Somali population never developed a common sense of nationhood. Hidden behind this apparent homogeneity lay deep institutional and historical cleavages. The divisions along different configurations of clan lines could be regarded as the primary fault lines of conflict[11]. To make matters worse, the process of unification was done hastily and without any proper consultation. The legality of this action is questioned by Pham (2012: 78), who argued that "the two states then entered into a hasty union that a number of legal scholars have argued fell short of the legal validity and that the Somalilanders quickly regretted, due in no small measure to the discrimination the predominantly Isaaq northerners suffered at the hands of the numerically superior members of clans from other regions". It became clear early on that the Southern region (formerly Italian Somalia) desired political and economic dominance and, via the so-called Act of Union, mandated a unitary, centralised state rather than the federal system preferred by Somaliland's leaders (Jama, 2017: 75). Somali elites were eager to marginalise traditional authorities deemed impeding progress (Hoehne, 2013: 202). This time period is also associated with a rapid loss of faith in democracy and a unified representative government. The growth of the state bureaucracy, centralization of development, and an increase in foreign aid (much of it military-oriented) resulted in the state becoming a battleground for different clans vying for greater shares of public resources for their own use (Walls & Kibble, 2010: 36–38). This brief taste of civil democracy was inadequately adapted to Somali politics' clan-based nature, resulting in President Sharmarke's assassination and the coup d'état of General Mohammed Said Barre on 21 October 1969 (Mesfin, 2009: 3; Arieff, 2008: 64–65; Solomon, 2013: 240).

The Barre regime pursued an aggressive and militaristic form of Pan-Somalism in an attempt to unite all ethnic Somalis into a greater Somalia (Arieff, 2008: 64-65). This period of unification was marked by the emergence of scientific socialism (further aligning itself with the Soviet Union), which sought to modernise Somali society and eradicate clannism through

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[11] Despite these divisions, the clan structure and traditional institutions remained quite similar within the various clans, particularly among the four dominant pastoral, nomadic clan families, the Darood, Dir, Hawiye, and Isaaq. While the clans of southern Somalia were more diverse ethnically, linguistically, and culturally than those of northern Somalia, some similarities did exist (Ridout, 2012: 139).

the integration of clan structures into the party (Jama, 2017: 76; Keating, 2018: 3). In other words, the nation had to be united by abolishing all existing clan-based divisions. Traditional clan elders had their positions abolished and their functions were taken up within the state's bureaucratic machinery. The North and South's political associations strengthened their unity in their outrage over the 1954 Anglo-Ethiopian Treaty, which allowed Britain to cede parts of its territory to Ethiopia (Arieff, 2008: 64; Solomon, 2013: 240; Pham, 2012: 72). Additionally, it entailed the centralization of political power and land nationalisation. Rather than accomplishing those goals, the result was increased state securitisation as opposition grew, particularly through the very clan structures the state sought to dismantle. At first, Barre attempted to unite all the so-called lost territories of Somalia. In order to do this, he used the largest portion of the state's national resources to build up the military extensively with the foreign support of the Soviet Union. In a desperate attempt to stem the tide of dissent, the dictatorship sought to instil a sense of nationalism by reclaiming contiguous, culturally recognisable Somali territories. This led to an attack against Ethiopia, and specifically the Ogaden region (where the majority of the population is Somali but under the control of Ethiopia). For many observers, this war (1977 - 1978) marked a turning point in Somalia's political history. During the war, the Soviet Union ended its military support to Somalia and continued supporting the enemy, Ethiopia (Hoehne, 2011a: 311; Jama, 2017: 77). These events marked the end of Pan-Somali nationalism and the beginning of the Somali state's demise. Ethiopia's defeat devastated the Somali armed forces' confidence and morale, prompting a small group of officers to plot a failed coup d'état in 1978. According to Pham (2012: 73), the officers were members of the Majeerteen clan, an anti-regime Darod group. Barre responded by instituting a harsh divide-and-rule policy, arming and encouraging loyal clans to attack rebel clans. These actions of elite manipulation of clan consciousness would have a severe long-term effect on the successful functioning of civil society in the period following the end of the Barre regime (Solomon, 2013: 241; Jama, 2017: 77). Like a wounded lion, the Barre regime contradicted its earlier rhetoric of abolishing clan alignment for ideology by openly promoting members of his own Darood clan (Solomon, 2013: 241). These actions came at the expense of the Isaaq clan to the north (mostly occupying Somaliland) as the Barre regime followed a policy of state-orchestrated discrimination against Isaaq members (Arieff, 2008: 64 – 65).

Following the defeat against Ethiopia, insurgent opposition movements rose up against the regime's corruption, autocracy, and violations of human rights, precipitating the outbreak of a bloody civil war. The SNM (Somali National Movement) was the dominant opposition group. It was founded in 1981 in London and drew support from the Isaaq clan (which accounted for 70% of Somaliland's population), making it the most powerful group in the former British protectorate. The SNM was composed of businessmen, religious leaders, intellectuals, and army officers from Northern Isaaq (Walls & Kibble, 2010: 38; Renders & Terlinden, 2010: 727-728; Ridout, 2012: 140). After its formation, the SNM relocated to Ethiopia and used the hospitality of this country as a base from which to launch cross-border military campaigns against the Said Barre regime. Permission to use the border towns from which to launch attacks was the only support that the SNM received from the Ethiopian government and only until 1988. The movement received financial support from a significant Isaaq diaspora, and most of its fighters came from members of this clan (Jama, 2017: 78). After 1988, the movement operated as a self-sustaining entity and, for the remainder of its existence, was self-governing and democratic. It was forced to do so as a result of a 1988 agreement that was signed between Barre and the leader of Ethiopia, Mengistu Haile Mariam ending the latter's support for the SNM (Ridout, 2012: 140 – 141).

The initial objective of the SNM was to overthrow the government of Said Barre, not really to fight for the secession of Somaliland. On the contrary, the belief was still held that Somalian unity was important. Barre's brutal and oppressive centralised system had to be replaced with a federal one that would guarantee stronger regional autonomy. This belief was held until Barre launched his brutal attacks against civilians (mostly from the Isaaq clan) in the northern regions of Somalia, which immediately strengthened the desire for the independence of Somaliland amongst its inhabitants. Jama (2017: 78) argued that "the cruelty of the state response to the 1988 insurgency operations in the Northern regions magnified internal alienation and resistance to the regime". The regime focused much of its attention on reprisal attacks against civilians, particularly those that belonged to the Isaaq clan. Executions, disappearances, arbitrary arrest and detention, as well as torture, were all examples of state terror tactics. According to Renders and Terlinden (2010: 728), more than 50 000 Isaaq civilians were killed and even more displaced in refugee camps across the border of Ethiopia. The SNM developed widespread grassroots support among all northern Somalis in the camps

(Ridout, 2012: 141). Clan elders played a critical role in and around refugee camps, organising food and other assistance, mediating disputes, and recruiting soldiers for the SNM. The SNM established a Central Committee, dubbed the Guurti, as an advisory body comprised of self-selected and politically active clan elders representing the Isaaq's various sub-clans (Moe, 2011: 150 – 151). From 1988 onwards, the *Guurti* was actively involved in the war and provided the necessary moral, military and logistical support against government forces (Ridout, 2012: 141; Renders & Terlinden, 2010: 278). Two factors were critical for the postwar peacebuilding role that the SNM would play over the next few years: the support that the movement obtained and its strong internal democratic procedures (Ridout, 2012: 141). Despite the inhumane (scorched earth) tactics followed by Barre's troops, the SNM managed to defeat government forces by occupying the Northern cities of Hargeisa and Burco. As news spread that the Barre regime was on its last legs, Somali armed groups moved in on the capital, Mogadishu. As the central government imploded and Barre realised his days were numbered, he fled the city in January 1991 as General Muhammed Aidid's troops closed in. Aidid's United Somali Congress (USC) ceased operations in the city, and one of the party's factions formed a government unilaterally with Ali Muhammed as interim president. While this drama was unfolding in Mogadishu, the SNM had also managed to establish control throughout the borders of former British Somaliland (Renders & Terlinden, 2010: 728; Arieff, 2008: 65 – 66). Famine and the death of 250 000 Somalis resulted from the civil war, with between one and two million becoming refugees or internally displaced. As previously stated, the civil war triggered a sea change in public sentiment, culminating in the declaration of restored Somaliland sovereignty (Walls & Kibble, 2010: 38). Meanwhile, the southern part of Somalia has been battling an absence of central government, as well as law and order, which are necessary components of a functioning state (Mesfin, 2009: 4). Menkhaus (2006/2007: 74) stated that the overthrow of the Barre regime had turned Somalia into "the longest-running instance of complete state collapse in postcolonial history". He further added that "this track record has earned Somalia the dubious distinction of being the world's foremost graveyard of externally sponsored state-building initiatives".

6.4.2   The independence of Somaliland and hybrid state-building

The proclamation of the independence of Somaliland is strikingly narrated by Bradbury (2008: 1), who wrote: "On 18 May 1991, leaders of the Somali National Movement (SNM) and elders

of the northern Somali clans, meeting at the Grand Conference of the Northern Peoples in the war-scarred town of Burco, bowed to public pressure and announced that the people of north-west Somalia were withdrawing from the union that had joined the colonial territories of Italian Somalia and the British Somaliland Protectorate in 1960". What is commendable about this process is that delegates were genuinely committed to finding peaceful solutions for the country's future instead of just acquiring comforts and financial gains for its constituents (Mills *et al.*, 2019: 4). The process of creating a workable system of governance was not rushed, and a bottom-up approach was followed, which involved the inputs of all stakeholders in the region to first form a clan-based system. In an attempt to reclaim the sovereign independence granted to them by Britain, they declared the formation of a new state, the Republic of Somaliland, whose borders would mirror those of the former British Protectorate, with Djibouti to the north, Ethiopia to the south, and Somalia to the east (Mills, 2014: 472). The call for independence can be regarded as a revolt of the people of Somaliland against almost 30 years of brutal oppression (Williams, 2016: 125 – 126; Heleta, 2014: 68; Woodward, 2003: 128). The new SNM government was led by Ahmed Alli Tuur and given a two-year mandate to reconstruct the state, establish security within its borders, ensure political accommodation for all clans, revitalise the economy and formulate a new constitution (Hersi, 2018: 10). The first six years after independence was turbulent as militia supporting the Hargeisa government were pitted against opposing groups who rejected the government's intentions to extend its control throughout the entire territory. During the mid-1990s, several conferences were organised between groups from the north, which eventually managed to forge a consensus on peace and agreements on how political institutions and power-sharing should be constituted (Arieff, 2008: 66). According to Heleta (2014: 70), the process of peacebuilding and post-war reconstruction in Somaliland after 1991 was totally ignored by the international community, who at the time was preoccupied with the conflict in Somalia and the Balkans as well as the transition process that was taking place in South Africa. Somaliland, therefore, had no choice but to use local efforts and traditional conflict mediation methods to get the talks and negotiations between different clan groups going. Despite the turbulent years that followed the declaration of independence in 1991, Doornbos (2002a: 96) described Somaliland as an "island of tranquility within the Horn of Africa as a whole".

After taking control in Somaliland, the SNM rather opted for a reconciliation strategy with the non-Isaaq clans who were mostly loyal to the regime of Said Barre rather than engaging in retribution (Hagmann & Hoehne, 2009: 490). By opting for reconciliation rather than revenge against non-Isaaq clans, Somaliland emerged as a political entity amidst the chaos and conflict that engulfed greater Somalia and consequently set the stage from which statehood could be negotiated. The first step toward establishing a peaceful dispensation was a conference convened by the SNM in Berbera from 15 to 27 February 1991 on the theme of reconciliation. The purpose of this gathering was to re-establish trust and confidence between the Isaaq and non-Isaaq clans. Additionally, it laid the groundwork for the Grand Conference of the Northern Clans, which took place in the town of Burco from 27 April to 18 May. (Jama, 2017: 79). During this historic meeting, the SNM, in consultation with clan leaders, decided to expedite peacebuilding and reclaim Somaliland's sovereignty by voluntarily withdrawing from the Somalia Union. As a result of this conference, the SNM declared Somaliland's independence in May 1991. The establishment of a two-year interim administration led by the SNM. The declaration of independence also coincided with the appointment of Abdirahman Ahmed Ali Turr, the SNM's then-chairman, as president, and the SNM Central Committee, dominated by Isaaq, became Somaliland's first legislative institution (Ridout, 2012: 143). Somaliland's newly elected SNM leadership was tasked with the task of drafting an interim constitution and preparing for elections. Additionally, they were tasked with the responsibility of accommodating non-Isaaq clans through their recruitment into the new dispensation. Turr's interim administration, however, quickly encountered serious difficulties. Due to a lack of adequate and effective organisational structures, a schism developed quickly between clan-based militias aligned with the Turr administration and another opposition faction. Due to this schism within the SNM, convening a central committee meeting became nearly impossible during the interim administration's two-year tenure. The rift between the two SNM factions deteriorated to such an extent that conflict broke out in Burco and around the port of Berbera. This conflict proved to be the final nail in the coffin of the Isaaq-dominated SNM and made the situation conducive for the participation of non-Isaaq clans in further attempts to rescue the process. As violence spread throughout Somaliland, non-Isaaq clan elders intervened and convened a meeting in the town of Sheikh (Ridout, 2012: 143). This conference was instrumental in resolving the conflict over the Berbera port and establishing a mechanism for the effective participation of clan elders in Somaliland's post-

war political system (Renders & Terlinden, 2010: 729; Mesfin, 2009: 4; Hoch & Rudinková, 2015: 42).

The talks in Sheikh set the stage for the so-called Borama conference in May 1993, arguably the most defining event in Somaliland's political development. Ridout (2012: 144) stated: "the Borama conference laid the groundwork for Somaliland's system of government and formalised the role of traditional institutions". In the spirit of the reconciliatory practices that clans have performed for centuries, this conference was held over a period of "five months 'under the trees' where people brought their own food and their own shelter" (Mills, 2014: 473). The conference presided over the peaceful transfer of power from the SNM (whose two-year mandate expired in 1993) to a new civilian administration led by Mohammed Haji Ibrahim Egal (Hersi, 2018: 10). Additionally, two significant documents were produced: the Transnational National Charter and an Interim Peace Charter. The National Charter established the political and institutional framework for the three-year administration that followed the promulgation of the final constitution. The Peace Charter established the use of Xeer (or unwritten traditional social laws) among Somaliland's clans. The conference was significant because it resolved issues of representation and power sharing by institutionalising clans and their leadership within the system of governance. The political system established in 1993 was dubbed *beel*, which translates as clan or community (Mesfin, 2009: 4- 5). The newly formed civilian government is based on a hybrid system that combines traditional clan governance institutions with a number of the Weberian state's formal government institutions (Walls & Kibble, 2010: 40). According to Mesfin (2009: 5), "It was portrayed as a dynamic hybrid of Western form and traditional substances and consisted of an executive president, and independent judiciary and a bicameral parliament comprising an upper House of Elders incorporating the *Guurti* and a lower House of Representatives, the members of which were nominated on a clan basis by an electoral college of elders". With the institutionalisation of the *Guurti* in 1993, it comprised 75 members, but this was increased to 82 at the conference in Hargeisa in 1997. Mohamed Ibrahim Egal was elected President of Somaliland by the voting candidates for a two-year term that was scheduled to expire in May 1995. (Ridout, 2012: 146). The men who sit in the House of Elders were chosen by influential members of their clan in collaboration with the Somaliland administration. President Egal largely hand-picked the members who were later added in 1997. (Hoehne, 2013: 204;

Renders & Terlinden, 2010: 731; Heleta, 2014: 71; Hagmann & Hoehne, 2009: 490). Its capacity to function under subsequent civilian governments enabled Somaliland to sign the Universal Declaration of Human Rights and take the lead in reestablishing peace, disarming combatants, strengthening the economy, and adopting a constitution based on universal suffrage and multi-party elections. Additionally, it has developed nationhood symbols such as a flag, vehicle registration numbers, and its own currency. By establishing firm control over the military, the President eliminated a number of potential spoilers and established the army as an umbrella for government-allied armed forces (Walls & Kibble, 2010: 40; Renders & Terlinden, 2010: 731).

The *beel* system of government recognised kinship as the organising principle of Somali society. Walls and Kibble (2010: 145) described the *beel* system as "a hybrid system combining traditional institutions of clan governance (meaning male pastoral democracy) with many of the formal government institutions of the Weberian state". The government evolved into a coalition of the major clans of Somaliland. Appointments to the executive branch were made in an equitable manner for the various clans. The SNM devised a formula for allocating seats in the upper and lower houses of parliament proportionately to clans. However, the *beel* system was criticised from some quarters for being an obstacle to a fully representative and effective democracy, marginalising, for instance, the Harti clan, and have also been accused of corruption, lack of transparency, nepotism and the fact that certain clans were favoured for government positions at the expense of other clan groups (Moe, 2011: 154). The Egal government was accused of instituting a patronage system in which handouts became the primary source of state legitimacy. Whereas clan members of the Guurti played a significant role in the Borama conference's negotiations, they have since lost their political initiative. They had developed into a standard state organ and a partisan of Egal's government. Initially, the Guurti was instrumental in brokering peace between clans and fighting militias, but President Egal intervened when the process reached the stage of negotiating inclusiveness in government and power sharing. He prevented members from his own sub-clan to further participate and offered political posts to members of opposing clans who, on their part, disregarded any consultation with the elders of their clans. Ridout (2012: 145) added that the *beel* system further marginalised women's rights (who were never given equal status to men within traditional Somali society). The *beel* system was supposed to be in place for three

years, but in the end, it lasted for a decade. Despite the damaging civil war that raged for two years between 1994 and 1996, Somaliland enjoyed high levels of stability. Significant efforts have been made to restructure the economy, rebuild infrastructure, restructure ministries and the civil service, establish a new central bank and currency, and integrate militias into a regular armed force. Additionally, urban infrastructure was repaired and the education and health systems were reestablished (Mesfin, 2009: 5; Renders & Terlinden, 2010: 732 – 733; Mills, 2014: 474).

The incumbent President (Egal) had firm control over the *Guurti* by the time a second clan conference was organised in the capital Hargeisa at the end of 1996. In contrast to the Boroma conference three years earlier, where the *Guurti* played a significant role in the decision-making, this time around, the President surrounded himself with his own power base and made sure that he would dominate proceedings. All 150 members of parliament's two houses, as well as 165 additional clan representatives, attended the conference. Throughout the conference, it became clear that the previously established balance of power in the hybrid system had shifted decisively in favour of the government, which asserted hegemony over the clan elders. While the elders retained their influence and relevance, it was now restricted to their traditional societies in rural areas and outside the capital, where the government exercised political power. Under the new regime, the elders relinquished control of clan representation in state institutions to the government leadership. The President was now able to manipulate specific groups and counterbalance their power, as well as shift alliances, in order to ensure his continued rule. As government resources were now increasing, he was able to reward loyalty through expanded patronage. He further expanded the local and regional administrative capabilities of government in an attempt to establish firm control beyond the cities of Hargeisa and Berbera. Egal was re-elected President of Somaliland for a five-year term in February 1997, primarily through bribery of delegates (Ridout, 2012: 147). Dahir Kahin from the Gadabuursi clan, an unknown figure at the time, was elected as Vice-President. A significant achievement of the Hargeisa conference was the adoption of a new interim constitution. The latter was a compromise between the President's desire for a strong executive and a majority of the other delegates' preference for parliamentary democracy. Parliament's size was increased further, from 75 to 82 members per chamber. The Habar Yonis and Ciidagale clans received additional seats in the Guurti,

while small, previously unrepresented groups received seats in the house of representatives. Despite these efforts and the continued presence of clan representatives at the national level, many clan representatives lost their legitimacy. The clan nomination system for national government positions was far from transparent. Clan representatives were predominantly urban-dwelling and politically connected men who were not even chosen by their clans but were simply nominated or backed by influential interest groups. As a result, traditional authorities lost influence, and clan leaders who joined the state apparatus were compelled to take sides and become involved in national politics rather than representing their own traditional authorities (Renders & Terlinden, 2010: 733; Hoehne, 2011: 319).

Scholars such as Menkhaus (2006: 5) regarded the above state of affairs as "mediated statehood" as neither the government nor any other state institutions are in full control of the state. In such a hybrid scenario, weak state institutions have a strong commitment to extending their power and influence beyond just the capital city but lack the means to do so. Therefore, state authorities have no other choice but to negotiate with non-state actors they would normally regard as their enemies. The Somali government did not have a "monopoly over the use of force" in the Weberian sense because it could not exercise full control beyond the capital and a few urban centres and had to rely on the support elders in peripheral areas to enforce the law. State institutions such as the judiciary and police were forced to take collective decisions with elders based on customary law (*xeer*).

Somaliland's northeast neighbour, Puntland, fell under the control of another Somali guerrilla movement, the Somali Salvation Democratic Front, during the 1993 Borama conference (SSDF). In contrast to Somaliland's residents, the people of Puntland had no desire to secede from Somalia. When their dream of unification with and reconstruction of the collapsed Somalian state proved more difficult to achieve than anticipated, the SSDF, in collaboration with influential traditional authorities, established Puntland in 1998 as an autonomous regional state that remains part of Somalia. Puntland was established as the administrative capital of all Harti lands in Northern Somalia. Harti is a member of the Darood clan family and comprises members of Majeerteen, Dhulbahante, Warsangeli, and a number of smaller clans. In contrast to Somaliland, Puntland's traditional authorities were not institutionalised, though ordinary elders and the highest-ranking traditional authorities continued to serve as conflict

mediators at the local and national levels. Somaliland and Puntland espoused diametrically opposed political visions. Somaliland desired independence, while Puntland desired a central role in a united but federal Somalia. The region of Sool, Sanaag, and (southern) Togdheer was the scene of the conflict between the two political entities. According to the Hargeisa (Somaliland) government, the disputed regions were once part of the British Protectorate and thus belonged to Somaliland. According to the Garowe government, the regions were primarily Dhulbahante and Warsangeli, who were members of the Harti clan confederation represented by Puntland. Political interference in the regions became the norm on both sides, which included traditional authorities who wielded considerable influence in the contested peripheries of Somaliland and Puntland (Hoehne, 2013: 203).

6.4.3   A new constitution and subsequent elections

In the year 2000, at the turn of the millennium, a 45-member committee appointed by the President and parliament drafted a draught constitution and distributed copies to the entire Somali population. A referendum was held shortly thereafter on 31 May 2001. Somaliland's sovereign and independent status is reaffirmed in Article I of the constitution. With the adoption of the final version of the constitution, 97 percent of Somaliland's population confirmed their desire to maintain the country's independence. The peaceful adoption of the new constitution was critical because it facilitated the transition from clan-based administration to a limited form of multi-party democracy. The constitution established a bicameral legislature comprised of an elected House of Representatives, an upper chamber of elders (the Guurti), and an independent judiciary. After holding a referendum in 2001, the clan-based system transitioned into a multi-party democracy in 2002 but retained the Upper House (or *Guurti*) as the representative chamber of traditional clan-based power structures (Mills *et al.*, 2019: 4). The new constitution also introduced universal suffrage with a specific emphasis on women's right to vote. Although there was a widespread endorsement of the constitution, the same excitement was not shared about the move towards a multi-party democracy. A general perception existed that for Somaliland to be recognised and accepted as a sovereign state, it had to install a constitutionally based, appropriately elected and authentically democratic government. Some, therefore, argued that Somaliland was pursuing democracy for the wrong reasons or as a means to an end (Mesfin, 2009: 5; Renders & Terlinden, 2010: 734; Bennet & Woldemariam, 2011: Internet). President Egal's transition

suffered a serious setback when he died in May 2002 while undergoing surgery in South Africa. This required Vice-President Dahir Riyale Kahin (who would later be elected President) to preside over the country's first multi-party elections in December 2002. (Ridout, 2012: 148).

Hersi (2018: 11) highlighted that adopting the new constitution meant that a multi-party system would replace the clan-based traditional governance system. In terms of the new system, traditional clan interests would be absorbed by inter-party politics. In order to prevent inter-clan conflicts, the new constitution limited the number of parties to three with the requirement that they had to have broad support in all six regions of the country. The transition from a system of selected representation to elected representation occurred in three phases. During the first phase, local elections were held in December 2002. 440 000 voters elected 332 district and municipal councillors in Somaliland's six regions during this election. Six political organisations ran in the local elections, three of which garnered enough support to become accredited national parties. These included the UDUB (United Democratic People's Party), which effectively ruled the country, the Kulmiye (Unity Party), and the UCID (Justice and Welfare Party). The UDUB won the election, with Kulmiye and the UCID finishing second and third, respectively. During the second phase, presidential elections were held peacefully in April 2003 between candidates from the same three parties. The Kulmiye party legally disputed the outcome of the elections, but after the Supreme court ruled in favour of the UDUB party, its candidate Dahir Riyale Kahin was elected as President. During the third phase, elections for the House of Representatives were held in September 2005. Around 670 000 voters cast their ballots, which was about 180 000 more than the Presidential elections two years earlier. During these elections, 246 candidates contested 82 seats. The ruling party, the UDUB, repeated the success of the local elections and won 33 seats, followed by Kulmiye with 28 seats and UCID third with 21 seats (Bennet & Woldemariam, 2011: 3 - 9). The constitution stipulated that members of the House of Elders' terms would expire in October 2006. However, on 6 May 2006, the elders voted in favour of a presidential decree backed by an advisory opinion from Somaliland's Supreme Court. This effectively extended the current Guurti's tenure by four years, sparking outrage among opposition parties, civil society organisations, ordinary citizens, traditional authorities, and the diaspora. Numerous individuals asserted that this action was illegal. Despite the fact that the constitution required

a transition from a clan-based to a multi-party system of governance, clan politics remained a factor in party politics. The longer Guurti members stayed in the capital and away from their constituents in the various regions of Somaliland, and the more involved they became in state politics, the less they acted in accordance with their constituents' needs. The exercise proved that Somaliland could hold relatively peaceful democratic elections that they funded mainly by themselves with additional support from foreign donors. What's more, the election of a non-Isaaq president from one of the minor clans lends credence to the claim that Somaliland was a relatively tolerant multi-clan entity. However, the process was also criticised for not being inclusive, given that populations in the Sanaag and Sool regions did not participate. As mentioned earlier, these two areas are the main bone of contention between Somaliland and Puntland (Mesfin, 2009: 6 - 7).

Additionally, it is argued that between 1991 and 2000, the country's balance of rational-bureaucratic and traditional authorities, which comprise a Hybrid Political Order, shifted. Following Said Barre's demise, traditional authorities (those in the SNM-Guurti and those in other clans not affiliated with the SNM) were the driving force behind Somaliland's bottom-up peace process. During this time period, traditional authorities wielded far more influence than Somalia's fledgling government (Mills, 2014: 473). The problems started in 1993 when the *Guurti* was institutionalised, and they increasingly sided with the government. President Egal understood perfectly well how to bribe and pressurise the elders. The establishment of the new government structure (at the Boroma and subsequent Hargeisa conferences) can be interpreted as the beginning of the clan elders' political emancipation as autonomous, pivotal political actors. Certain members of the Guurti, most notably its chairman, Sheekh Ibraahim, retained influence in Somaliland politics and possessed the capacity and ability to hold the president and his cabinet accountable. His untimely demise in 2004 left a void in the political landscape, and his successor, Saleebaan Gaal, was far from as charismatic as his predecessor (Hoehne, 2013: 204).

Despite its successes, Somaliland's political progress suffered another setback when members of the Guurti faced widespread suspicion for repeatedly postponing presidential and legislative elections between 2008 and 2009. Elections were required by the constitution to take place in April 2008, but neither the administration nor the opposition were prepared

to hold them. The House of Elders voted in April 2008 to extend President Kahin's term by one year. In early March 2009, the Guurti extended the president's term to October for the second time. For many, this was an unconstitutional delay leading to rising tensions in Somaliland. The administration frequently threatened opposition parties if they dared to demonstrate calling such actions illegal. Despite the government's deployment of armed police and the military in major cities, demonstrations occurred between August and September 2009; one person was killed in police clashes. On 25 September 2009, the Guurti extended the presidential and vice-presidential terms for a third time, until one month after the presidential elections were held. Following additional internal and external pressure, the election was finally held on 26 June 2010, nearly two years after the constitution's deadline. This crisis also postponed all subsequent elections, beginning with local government elections, followed by the postponed Guurti elections, and finally the House of Representatives (Hoehne, 2013: 205 - 206).

As mentioned earlier, the third Presidential election was initially scheduled to occur in 2008 but was postponed on a number of occasions, mainly due to political infighting. Despite the tensions that existed in the run-up, the 2010 Presidential election again confirmed the durability of Somaliland's democratic institutions in contrast to the never-ending chaos that was the reality of its Southern neighbour, Somalia. During a relatively peaceful election, the candidate from the Kulmiye party, Ahmed Mohamed Silanyo, managed to oust the incumbent President Dahir Rayale Kahin (from the UDUB party) by obtaining 49,59% of the vote against the 33.23% obtained by his predecessor. Silanyo was consequently sworn in as Somaliland's third democratically elected President. This election proved that Somaliland could transfer power successfully between two political opponents that many other democracies on the continent struggled to emulate, and none on the Horn of Africa could match (Walls & Healy, 2010: 1 – 3).

According to Elder (2017: Internet), the September 2017 Presidential elections could be regarded as the greatest test for Somaliland's much-revered consensus politics. With a voter turnout of nearly 79%, the elections were also held for the first time in the Sool and Togdheer regions, two areas Somaliland and its neighbour Puntland have bitterly contested. Although fairly peaceful, the weeks before and after the elections were marred by violent protests

mainly orchestrated by the mostly unemployed youth during which at least two people were killed. The struggle was contested by the two biggest parties, the ruling Kulmiye and opposition Waddani parties, who both claimed victory on election night. The final result four days later, however, confirmed a victory by the Kulmiye parties Muse, Bihi Abdi, with a margin of nearly 80 000 votes (55% of the total vote). The fragility of years of successful consensus politics was seriously undermined by the inexperience of the two presidential candidates, Muse Bihi from the Kulmiye and Cirro of the Waddani party, who both employed deeply polarising rhetoric in their campaign speeches before the election. Their obvious disdain for one another fueled the fires of possible violent conflicts that could disturb the fragile peace that existed between contesting clans (Kuo, 2017: Internet).

For this study, the election history of Somaliland since 1991 only receives attention up to the Presidential elections of 2017. As the discussion indicated, the record of both parliamentary and Presidential elections has thus far been favourable, especially when these successes are contrasted to other elections in Africa. Apart from some isolated and sporadic incidences of violence, both parliamentary and Presidential elections were regarded as free and fair with relatively high voter turnouts. In the following section, the successes and failures of the hybrid approach to state-building is evaluated.

6.5   HYBRID STATE-BUILDING – EVALUATING THE CASE OF SOMALILAND

The literature on Hybrid Political Orders correctly observes that there is an important need to focus on powers besides the state (e.g., traditional authorities), especially when focusing on governance and post-conflict societies (failed and collapsed states) where Western models of state-building have not been that successful. However, this discourse has thus far been unable to specify the precise circumstances under which these orders emerge and the direction in which they evolve over time. The literature makes no reference to power imbalances between the various partners in Hybrid Political Orders. According to the research presented above, power imbalances are a natural state of affairs in Hybrid Political Orders and have an effect on their future development. The HPO in Somaliland, it is argued, was the most successful prior to its institutionalisation at the 1993 Boroma conference. The preceding conflict mediation and peacebuilding process was facilitated by various traditional authorities

representing various clan-based groups that were adversaries during the civil war. During the 1990s, these clan leaders wielded far more political influence than the guerilla leaders-cum-heads of Somalia's fledgling government. The establishment of the House of Elders can be considered the clan leaders' greatest political achievement and the pinnacle of their political power (Hoehne, 2013: 204). However, the system based on traditional authority and consensus formation appears to have outlived its usefulness in the intervening years. With the government's ever-increasing powers under President Egal's leadership and the transition to a democratic system, the Hybrid Political Order became wildly imbalanced. This process was triggered by two factors. On the one hand, the Guurti urbanised and lost touch with their traditional, local constituencies (in the Weberian sense), and their claim to traditional authority became hollow. Members of the House of Elders, on the other hand, were co-opted and manipulated by successive Somaliland presidents beginning in the second half of the 1990s. Certainly, the financial benefits paid by the government contributed to this state of affairs. Additionally, the less than transparent relationship between the presidency and the Guurti proved to be a significant impediment to Somaliland's democratic transition in 2001. (Hashi, 2005). According to the International Crisis Group (2003: Internet), many members have served in the *Guurti* since the 1993 Borama conference and participated in establishing the current hybrid framework, whilst others inherited seats within ruling clan families.

Following the death of Sheekh Ibraahim, the charismatic Guurti chairman, in 2004, the government's elders devolved into willing executors of presidential decrees, obstructing due democratic process. Two examples come to mind: with the 'abortion' of the Guurti elections and the repeated postponement of the most recent presidential elections, they clearly marginalised and thus weakened the country's constitution. The preceding demonstrates that Hybrid Political Orders are rarely balanced and frequently become imbalanced, with one side gaining power over the other, whether formal or informal institutions. Regardless of whether HPO is a positive step toward deepening democracy in Africa, the case of Somaliland demonstrates that the traditional system based on local communities and customary law and the state system based on democratic principles and statutory law can only coexist temporarily and for the sake of convenience. Once the Guurti became the weaker partner in Somaliland, they became vulnerable to corruption. They were granted powers by the constitution, which they then used to undermine the political system as a whole. A second

significant issue in Somaliland was that traditional authorities were overburdened with state responsibilities. This imposition of national politics on traditional leaders, particularly in relation to the standoff between Somaliland and Puntland, altered the relationship between authorities in the contested borderlands. As a result, an increasing number of traditional authorities were forced to take sides, causing division among the indigenous population and eroding their popular legitimacy. Somaliland's situation has frequently been described as a "crippled" hybrid order that advances neither effective democracy nor traditional governance but undermines both the Western-oriented state and the indigenous system. One could argue that Hybrid Political Orders, in the case of Somaliland in particular, are effective at assisting the transition from a war-torn or extremely fragile context to a more stable form of political existence. However, such hybrids are almost always in some way unbalanced (Hoehne, 2013: 200; Hashi, 2005).

For Heleta (2014: 75), it would be naïve to suggest that the relative success of the post-war peacebuilding process in Somalia was faultless, and besides all its achievements and successes, there are also many challenges that Somaliland are facing. Firstly, Somaliland remains a poor country, and even with the financial support it receives from the diaspora, it is not enough to secure its progress and stability. A second threat is that Somaliland is an "island" in a highly unstable and war-torn region. Therefore, the government has to spend more than half of its budget on security and less than 10% on providing basic services. Menkhaus (2006/07: 92) further warned that since 2006 the ascent of the Islamist movement in Mogadishu has also spread its sphere of influence and support to Somaliland and therefore presents a major security threat to the region. The government in Somaliland does not possess the necessary resources to curb this threat. The third issue is that Somaliland remains a patriarchal state, with women still denied equal opportunities to men. Fourthly, local government structures are frail, making it extremely difficult to deliver critical infrastructure and services. One reason for this is that the majority of postwar reconstruction efforts have focused on urban areas, largely at the expense of rural areas, which have seen little improvement in infrastructure or basic service delivery. Levels of poverty and unemployment are much higher in rural areas than in urban areas, which further threatens stability as people living in these areas' patience run out. A fifth issue concerns the governance system's structure, which is designed to minimise clan-based divisions. Despite these efforts, clan-

based politics frequently outweighs state, regional, or party politics in terms of influence. These internal political divisions and criticism from opponents have encouraged sporadic governments efforts to repress the media and incarcerate critics (Heleta, 2014: 75; Menkhaus, 2006/07: 92).

Despite all the political successes since 1991, the economy of Somaliland is in dire straits. Infrastructure is poor, and the unemployment rate of people under 30 (70% of the total population) is 75%. The country further lacks a skilled labour force and has to rely heavily on foreign expertise and assistants to deliver basic services to its population. The situation is made worse because the literacy rate is below 45% and only 20% among women. Of the total annual government budget of just more than US$300 million, three quarters are spent on salaries and operational expenses. The annual GDP is estimated at around US$646 per capita. Consumers are forced to pay as much as five times more for their electricity than neighbouring Ethiopia. The electricity sector is controlled by the same monopolies that also dominate the banking and telecom industries. As a result of the generally poor performance of the economy, productivity is below par, resulting in few opportunities for economic growth. To make matters worse, of the total GDP of US$2 billion, 45% of Somaliland's income depends on trade in sheep, camels and goats. This sector has recently been affected severely by a Saudi foot-and-mouth disease import ban which has halved the annual income to US$1.2 million. It is only during a short window period (during the *Hajj* when Muslims undertake the pilgrimage to Mecca) that this import ban is temporarily suspended. The country is further affected by the frequency of droughts and problems of overgrasing as a result of this (Mills *et al.*, 2019: 4 - 5).

Probably Somaliland's greatest challenge is that it has become nearly impossible to improve the standard of living for its citizens in isolation due to the international community's refusal to recognise it as a state. The African Union and the rest of the world have largely ignored it. The irony of this is that the world recognises and funds the government of Somalia, which can barely keep control of its capital Mogadishu, not to mention the rest of its territory, while refusing to recognise Somaliland with all its achievements and successes. Mills (2014: 475) stated that "while there is an international humanitarian organisation and considerable NGO presence in Somaliland, the absence of international recognition has dampened aid flows

and, consequently, and more positively, the extent of the 'swarm' of external players". As a result, the absence of international recognition is a significant impediment to the system's long-term consolidation. It is currently caught between a rock and a hard place, as its survival and economic development are reliant on trade with the rest of the world to generate sufficient revenue to cover the cost of administration and the provision of basic services to its population. To accomplish this, Somaliland must first gain international recognition as a state, which is currently hampered by the African Union's lack of political will (Heleta, 2014: 75 – 76; Phillips, 2016: 629). In a report from the International Crisis Group (2003), it stated: "Recent developments have made the choice faced by the international community considerably clearer: develop pragmatic responses to Somaliland's demand for self-determination or continue to insist upon the increasingly abstract notion of the unity and territorial integrity of the Somali Republic – a course of action almost certain to open a new chapter in the Somali civil war". Most Western powers have stated clearly that it was up the African Union to determine whether it would recognise Somaliland. This is, however, easier said than done. The complexities that have characterised the revision of the colonial borders and a concern by many influential African states of creating a president if Somaliland is recognised as an independent state further complicate matters (Kennard & Einashe, 2019: Internet). "The fact that Somalia – that is, the southern part of the Greater Somalia which technically includes Somaliland but politically, because of British and Italian colonialism, has a different consciousness – is still unsettled means that the country is not yet in a position to resume the role it has long held as Africa's eastern anchor" (Asante, 2019: 25).

Wanyonyi (2016: 46 – 47) opined that the prospects of discussions on the self-determination of Somaliland might be a possibility in the near future as the government of Ethiopia has already shown interest in using the port of Berbera for its billion-dollar export market rather than be solely dependent on Djibouti as it currently is. Many foreign investors have also reconfirmed their interest in Somaliland's export and extractive resources sector. It further offers investors excellent returns on capital investment (despite its isolation), coupled with the fact that only a 5% VAT is payable. Economic growth is stimulated by a larger contingent of highly educated Somalilanders who are emigrating from the diaspora to permanently establish themselves in the country, offering their technical and professional skills. Menkhaus (2006/07: 93) effectively summarised these positive sentiments: "regardless of Somaliland's

ultimate political dispensation, however, its accomplishments in state-building and reconciliation since 1991 serve as potentially valuable lessons for Somalia as a whole". According to Rubin (2019: Internet), mining is a fairly new industry in Somaliland but has become important in providing rare elements that are used in the manufacturing of electronic equipment as well as cutting edge technology. China has already attempted to monopolise these rare elements to the advantage of its own economy and prevent the United States access to this market. Chinese companies have been aggressive in seeking mining concessions in Somaliland, while Somalia would rather rely on the support of the United States and the West. Therefore, the US government dissuades its companies to negotiate with the government in Somaliland as it prefers to maintain the fallacy that the government in Mogadishu is successful. As the US government does not accept the sovereignty of Somaliland, it also does not recognise its legal right to issue contracts, and any American company doing business with Somaliland would legally infringe the sovereignty of Somalia. On the other hand, China has none of these qualms, which puts them in a very favourable position to gain access to the rare elements market. Horton (2019: Internet) argued that "the battle for access and influence in the Horn of Africa is intensifying as the Gulf States, Turkey and China race to secure footholds. At the same time, rivalries between Saudi Arabia, the United Arab Emirates (UAE) and Turkey are shaping how these countries interact with state and non-state actors in the Horn. The insertion of the Gulf States, Turkey, and Iran's regional disputes into the politics of the countries that make up the Horn will exacerbate instability in what are already fragile states."

According to Berti (2019: Internet), the traditionally good relations between Somalia and the United Arab Emirates (UAE) have deteriorated since the UAE's involvement in development projects to improve the port of Berbera in Somaliland, a region not recognised by the rest of the world. The project is financed by the Emirati port operator DP World with a 19% stake in the project by Ethiopia (Horton, 2019: 1). The deal infuriated the Somalian government, who declared the deal null and void, describing it as a threat to the sovereignty of the Federal Republic of Somalia. The UAE further committed itself to training Somaliland security forces in another deal to create a military facility in Berbera. A major concern for the Somalian government is that if Somaliland strategically obtains access to Asian and African markets, Mogadishu would lose its leverage to reclaim Somaliland. Kennard and Einashe (2019:

Internet) stated that the UAE had invested $442 million to upgrade and establish a naval base in the port of Berbera. This provided the UAE with a strategic platform for its involvement in the Saudi-led war in Yemen. Furthermore, the friendly relations with Somaliland can be observed as punishment against the government in Somalia because of the latter's support for Qatar and its refusal to join the Saudi-led blockade of that country.

In June 2020, President Mohamed Abdullahi Farmajo led a Somali government delegation to Djibouti, where they met with a Somaliland delegation led by President Muse Bihi Abdi. This historic meeting brought together the presidents of Somalia and Somaliland for the first time since Somalia's collapse in 1991 and Somaliland's declaration of independence. During the meeting that President Ismail Omar Guelleh of Djibouti chaired, an agreement was reached that the two parties would not politicise aid and investments (Yusuf, 2020: Internet). The meeting was also attended by Ethiopian Prime Minister Abiy Ahmed, an international delegation consisting of US Ambassador Donald Yamamoto, representatives of the European Union, as well as representatives of the African Union and the Inter-Governmental Authority on Development. Three opportunities brought about the urgency of the meeting. Firstly, since it declared its independence in 1991, Somaliland has been unsuccessful in achieving international recognition, as discussed earlier. Secondly, Somalia failed to establish a functioning government in Mogadishu that included Somaliland, creating a mutually hurting stalemate between the two parties. Thirdly, states such as Ethiopia, Djibouti and the United States, as well as organisations such as the AU and EU, who had different views on Somalia-related issues, now tend to be more in agreement, which would also be beneficial to these talks. At the time of writing, Somalia has already declared that it would be more willing to make political and economic concessions to Somaliland (Maruf, 2020: Internet; Ahmed and Prinsloo, 2020: Internet; Askar, 2020: Internet; Monyae, 2020: Internet).

6.6   CONCLUSION

The current attitude towards state and peacebuilding is dominated by a Western neo-liberal approach that advocates the implementation of liberal democratic institutions backed by free-market economic systems. This approach is externally driven by governmental and non-governmental organisations and attempts to reconstruct conditions in war-torn fragile states into the ideal-typical image of Weberian statehood. As this is an external top-down

endeavour, critics often accuse Western institutions and organisations of interference and imposing ideas and methods that are foreign and irrelevant to local conditions and populations. Furthermore, local populations are often excluded or sidelined from the very processes and decisions they feel they should be part of. As an alternative to the Western orthodoxy, scholars from the Hybrid Political Orders discourse have proposed an alternative bottom-up approach to state-building that incorporates the contributions and solutions of local populations and recognises the role and importance of western institutions.

In the above context, the chapter focused attention on Somaliland, the northern most region of greater Somalia and probably the best example of the practical application of a hybrid state-building strategy. In 1991, Somaliland proclaimed its independence from Somalia after the collapse of the Said Barre regime. The brutality of this dictatorship united the people of Somaliland towards a collective goal of rebuilding their region into one of peace and prosperity, independent from the shackles of Somalia. Unfortunately, Western policymakers have always preferred the success of externally driven state-building in Somalia, even though after decades of external post-conflict reconstruction efforts, this has proven to be a dismal failure. Since the collapse of the Barre regime in 1991, the government in Mogadishu has had to endure one crisis after another, with no signs of any peaceful resolution in sight. On the contrary, Somaliland can truly be regarded as a haven of peace and stability amidst the chaos and disorder that has been characteristic of Somalia. And yet, Somaliland is not recognised as a state although it adheres to all the requirements of statehood, except recognition as a state by the international community. The irony of this situation is that the leadership in Somaliland has put enormous effort and energy into the success of its state-building project to prove to the international community that it had the credentials to be recognised as a state.

As the chapter indicated, the successes achieved by the Somaliland people in implementing a hybrid bottom-up state-building strategy must be commended. Not only did traditional clan leaders play a significant role in arbitrating conflicts and disputes among different clans, but they also represented their different constituencies in government. The hybrid state-building project in Somalia succeeded in creating a peaceful platform from which constructive dialogue could take place to discuss and design the future political, institutional structures.

These efforts contributed to the eventual creation of a constitution and several consequent parliamentary and presidential elections that have since 2001 been held with success.

However, hybrid state-building also proved to be problematic. The chapter focused attention on the fact that as the House of Elders or *Guurti* started to settle into their roles as politicians, they became distant or isolated from their constituents. Many became urbanised and were no longer living among their followers, while others became susceptible to bribery and corruption. Yet, others were so overburdened with public issues that they were no longer able to serve the needs of their followers. The second problem was that the idea of a Hybrid Political Order, or the confluence of traditional authorities and democratic political institutions, would only be a transitional phase on the road to a liberal democratic dispensation. In this regard, it was indicated that Somaliland could be regarded as a Hybrid Political Order during the 1993 election but that it moved towards being a fully-fledged democracy in the years that followed. The adoption of the constitution in 2001 confirmed the transition from a hybrid to a more democratic government. In the end, the decision-makers in Somaliland always wanted the hybrid phase to be temporary as they believed that the chances of gaining international recognition would be much more likely if they could pride themselves in being a successful democracy. Whether Somaliland will soon be able to call themselves a *de jure* state remains to be seen.

CHAPTER 7: EVALUATION AND CONCLUDING REMARKS

7.1   INTRODUCTION

The main objective of the research was to provide a post-Western, more inclusive and less state-centric perspective on the study of the state. The insufficiencies of the current and dominant state-centric approach are made apparent because the world's 200 nation-states are not serving the interests of a majority of the world population of seven billion people. Current international relations theory, with specific reference to issues of statehood, the fragile state perspective, and state-building, is accused of being exclusive and serving only a small minority at the expense of the rest of the world population. Instead of over-emphasising the politics of public bodies, political science and international relations theory should rather focus more on people or politics at the level of the man on the street. By emphasising the role of Hybrid Political Orders, the study attempted to provide a post-Western revisionist, and alternative perspective to current state-building practises. The chapter attempts to provide a sense of closure by summarising the research findings (draw together the threads of the discussions in the previous chapters), shortcomings and suggestions for further studies related to the research topic. For the sake of a logical flow of argumentation, the chapter attempts to answer the research question, explain the significance and contributions of the research findings, explain the limitations of the study and focus on suggestions for future areas of study regarding the research topic.

7.2   ANSWERING THE RESEARCH QUESTION

The introductory chapter provided an overview and general orientation to the study. It commenced by briefly explaining the theoretical foundation and development of the fragile state discourse in the post-Cold War period. This was done by discussing the historical context, focusing on the role of the Weberian definition of the state and the neo-liberal state-building approach adopted by the fragile state discourse. Also, the role it played in the way they have categorised fragile states according to the degrees to which they were not complying with the Western liberal-democratic state. Thereafter, the emphasis was shifted towards explaining the phenomenon of Hybrid Political Orders as an alternative form of state-building that overcomes the state-centric approach held dear by the fragile state discourse, blending Western state institutions with non-state traditional authorities. This discussion

directed the reader to the research problem that was then operationalised through the aims and objectives of the study and a reflection on the literary review, followed by a discussion of the research design and methodology as well as the outline of the study. These issues are addressed in more detail later in the discussion. In order to demarcate the focus area of the study, the chapter commenced by providing a literary review of the key sources that were consulted as well as the historical context within which the ideas of the Hybrid Political Order developed.

The study used Somaliland as a case study for demonstrating how a bottom-up hybrid state-building approach can be applied in practise. In contrast to Somalia's collapse of government institutions, clan leaders in Somaliland were instrumental in establishing a functional, effective, and legitimate political order through the integration of traditional institutions (House of Elders) and modern state institutions. Contrary to most other state-building exercises, the reconstruction of Somaliland had been pursued with very little external assistance. The case of Somaliland has proven that new forms of state-building were possible without just copying Western state institutions but also emphasising the role of customary institutions (Boege *et al.,* 2009a: 27; Pham, 2008: 22 − 25). The research question was narrowed down by focusing on the relevance of an article by Prof Hussein Solomon (2013) discussing the challenges faced by political science in the 21st Century. He argued in favour of a more post-Western, more inclusive kind of theorising, especially regarding theories of the state and the need to investigate alternatives other than the state-centric approaches that the academic world seems to have become so obsessed with recently. Current international relations theory has further been accused of being exclusive and only serving a small minority at the expense of most of the world population. Further related to this point was that the teaching of political science remained too state-centric by over-emphasising the politics of public bodies instead of focusing on people or politics at the level of the man in the street.

The study, therefore, argued that the state-centric approach, manifesting in the Weberian definition of the state and adhered to by the fragile state discourse as well as western state-building efforts, has not succeeded in providing an objective, counter-hegemonic and emancipating perspective of states that they label as weak, failed or collapsed. Instead, the study focused on Hybrid Political Orders as an alternative perspective that follows a post-

Western approach more suited to understanding the realities in fragile states while acknowledging the role of traditional authorities as equally important in the hybrid state-building process.

In support of the above research statement, the study aimed to answer the following underlying research questions:

- Why the decades following the end of the Cold War was so influential on the success and prominence of the fragile state discourse, and why this body of literature come under increased criticism in recent times?

The study argued that the collapse of communism caused an ideological paradigm shift in International Relations. With the threat of communism as the ideological rival of the West eliminated, the impetus shifted towards the encouragement of liberal democratic values in those states that were previously under the control of the former Soviet Union but also states in the developing world that suffered under the brutality of authoritarian regimes and failing governments. The 'third wave of democratisation' described by political scientist Samuel Huntington (1991) reflected on the shift towards liberal democracies as the governance choice in the 1990s. The emphasis further shifted towards states in the developing world that adopted democratic principles in the post-colonial period but soon after that failed due to their inabilities to maintain those democracies. Especially in Africa, several states experienced political and economic turmoil after independence. For many, these struggles continued throughout the next decades despite receiving financial and military support from the superpowers. This situation encouraged a body of literature that became known as the failed state (later to be re-named fragile state) discourse. The fragile state discourse attempted to explain why states in the developing world would deteriorate from a condition of relative stability to a position of failure. By the early 1990s, the concept of state failure had gained widespread acceptance among academics, government agencies, think tanks, and development organisations. In order to determine these degrees of failure, scholars such as Geldenhuys (1999), Rotberg (2002) and Gros (1996) as well as government agencies, donor organisations and academic think tanks developed classification models that categorised it according to the degree to which they did not comply to the ideal-typical Weberian definition

to the state. These classifications manifested in soft, weak, failed and collapsed categories to distinguish between the different degrees of failure. The fragile state classification models were criticised for lacking objectivity, generalising complex variables and having a narrow focus on state capacity. Yet, the fragile state discourse was also highly influential in motivating how failed states were supposed to be transferred into liberal democratic dispensations.

As the Cold War came to an end and the new millennium dawned, the emphasis of the fragile state discourse began to shift from a more humanitarian focus (e.g., civil wars, poverty, socio-economic stagnation) towards a position that regarded fragile states as a security threat. The 9/11 terrorist attacks convinced many Western governments that a global security threat now replaced the localised threat that fragile states presented. For most of the 1990s and into the new millennium, fragile states were held responsible for everything from terrorist attacks to political and economic instability. This further encouraged the belief that the fragile state had to be reconstructed in the image of the Western liberal democratic state. These sentiments were reflected in the peace- and state-building efforts that characterised the 1990s and early 2000s. Peace- and state-building endeavours further reflected the requirements of the Weberian ideal-typical state as well as the fragile state discourse. State-building operated within the framework of the liberal peacekeeping agenda. However, while obsessing about the reconstruction of the fragile state in the image of liberal democracy, the discourse neglected the important influence that local/traditional institutions also had to play in the process of state-building. From the developing world, especially, the fragile state discourse has been accused of neglecting the unique internal political dynamics that existed in each developing state and using an ideal type of state (complying with the Weberian definition) in a one-size-fits-all approach.

- Why has the state-centric Weberian definition of the state been so influential in studying politics (and other social science disciplines), and how has it influenced the way in which the fragile state discourse has perceived different degrees of failure among states?

The fragile state discourse developed various approaches to interpret and explain why some states failed and others succeeded. The first approach involved using the Weberian definition of what is referred to as an ideal-typical state as the benchmark against which states had to

adhere. As the bearer of a monopoly of overwhelming force, the state had to guarantee and maintain the protection and security of its citizens within the jurisdiction of its borders. States that could not maintain authority over their entire territory would find themselves on the road to failure. The second or Lockean approach described the responsibility of the state as that of a service provider. Zartman (1995) and Rotberg (2002) referred to the state's ability to provide its citizens with political goods such as infrastructure, medical care, and education. The degree to which a state could not provide these political goods determined its degree of failure.

- How were post-Cold War peace- and state-building endeavours influenced by the Weberian definition of the state, and why has its neo-liberal approach been criticised recently?

The problem with both the state-building and fragile state discourses was their overemphasis on the importance of state institutions. The study focused on Hybrid Political Orders, an alternative form of state-building. It recognises the importance of state institutions in combination with traditional forms of governance, subsequently moving away from the exclusive state-centric approach to one that also considers the importance of non-state role players and facilitators.

- How did the revisionist approach, critical of state-centrism such as neo-Weberian institutionalism, neo-patrimonialism, clientelism, ungoverned spaces and twilight institutions, contribute to the debate of finding alternatives to current state-building practices?

The Western attitude towards state-building encouraged several scholars to investigate possible alternatives to the state-centric approaches towards fragile states. These included approaches that investigated different aspects of the roles of non-state actors in developing states by focusing on political pluralism, neo-patrimonialism, warlords and ungoverned spaces. This further included neo-Weberian institutionalism, circumventing traditional approaches towards fragile states and focusing on promoting governance amongst the dominant groups at local level. It also included a revisionist approach, attempting to better understand the political dynamics of local authorities in developing states, thus developing

into what is now referred to as Hybrid Political Orders (Solomon, 2013: 247; Kraushaar & Lambach, 6 – 14). Closely related was the influence of political anthropology with its valuable contributions to understanding the internal dynamics and innovation of traditional and customary authorities that often thrive within the supposed leadership void created in fragile states.

- How did these revisionist approaches influence the evolution of the Hybrid Political Order discourse in providing an alternative form of state-building that merges traditional and state institutions into a hybrid form of governance that is less state-centric?

One of the first scholars to pursue the idea of hybridity was Ken Menkhaus (2005; 2006), who referred to the mediated state as a state that was either unwilling or unable to perform its core functions and creating opportunities for other non-state actors such as traditional and civic leadership and religious groups to step in to perform these functions. He described this as a negotiated division of labour between formal state institutions and other non-state actors and an acknowledgement by the state that it has lost the ability to maintain control and uphold the rule of law within its territory. The study emphasised the contributions of scholars who argued that hybridity could be a permanent solution to post-conflict realities in developing states. Within this body of literature, two goals could be distinguished: one focused attention on the internal dynamics of ordering a post-conflict state to achieve a balanced coexistence between state institutions and non-state actors, whilst the other goal was to determine how external international donors and agendas interacted, contested and merged with local actors (Moe, 2011: 146). The term Hybrid Political Order is the manifestation of these two goals. A Hybrid Political Order is defined by multiple and competing authority structures, distinct rules, behavioural logics, and claims to power that merge, interact, and intertwine while incorporating elements of Western models of governance and indigenous institutions. This form of hybridity is further distinguished by the absence of the use of categories or binaries that have been characteristic of the fragile state and liberal state-building practices. It provided a more holistic approach that avoided orthodox conflict analysis templates, which often takes no recognition of issues such as gender, dissent and inconsistencies among the population (MacGinty & Richmond, 2016: 228 – 229).

The study further highlighted that the Hybrid Political Order was, from a revisionist perspective, the best able to theoretically explain the realities of the post-conflict political community, with specific reference to the importance of the role and resilience of traditional and customary authorities (Wennmann, 2010: 25 − 26). The term hybrid was also broad enough to encompass a variety of non-state forms of order and the realisation that they did not function in isolation but were interwoven. Adherents of the HPO discourse were not opposed to Western state institutions as such. It rather focused on blending these state institutions with traditional types of authorities to create a system of governance that was a more accurate reflection of the internal dynamics of states categorised as failed. Instead of focusing on negatives such as weakness, failure and collapse emphasised by the fragile state perspective, the HPO discourse focuses on the positives associated with hybridity, which emphasises generative processes, innovative adaptation and ingenuity. Also, instead of referring to failed states, they should be referred to as emerging states where hybridity becomes the basis for a stable, legitimate and contextually specific form of state. Rather than the top-down state-building approach followed by the neo-liberal agenda, the HPO discourse proposed a bottom-up state-building approach that acknowledged the role of state institutions but in unison with traditional authorities (Boege *et al.* 2009a: 88; Mallett, 2010: 75 − 76; Beall & Ngonyama, 2009; Cammack, Kanyongolo and O'Neil, 2009; Goodfellow, 2013: 1).

- Did the practical application of a hybrid form of state-building in Somaliland prove that a bottom-up strategy merging traditional and state institutions is a more successful option than the top-down strategy still implemented by current state-centric state-building practices?

This study argued that the state-centric approach adhered to by the fragile state discourse has not succeeded in providing an objective, counter-hegemonic and emancipating perspective of states labelled as weak, failed, and failed or collapsed. Instead, the study focused on Hybrid Political Orders and the possibilities that this discourse presented as a post-Western alternative is more suited to understanding the realities in fragile states. Therefore, the study attempted to bridge the inabilities of the fragile state discourse to accept the fact that other forms of governance can perform functions and provide political goods like the

state where the latter has become unable to do so. These principles also applied adherents of state-building, who saw the latter as an attempt to transform conflict-ridden societies from instability to peace and democracy.

- Did the focus on hybrid state-building in Somaliland prove that the Hybrid Political Order discourse can be regarded as an alternative that is a post-Western, more inclusive form of theorising?

The Hybrid Political Order discourse did not claim to provide a paradigm shift in terms of how institutional interaction ought to be studied. It rather made valuable contributions on refocusing a debate that seems to have lost sight of differences among states that were institutionally complex and changing. This re-conceptualisation of fragile states as Hybrid Political Orders opens new possibilities in the study of governance systems by re-orientating thoughts about the role of external assistance in state-building endeavours. Despite the many potential positives associated with the Hybrid Political Order discourse, the study acknowledged that because it was still a new approach, it was far from a position of providing all the answers to continuous questions that arise from post-conflict societies. Therefore, attempts were also made to focus on the criticism of scholars who questioned the viability and applicability of Hybrid Political Orders as an effective alternative form of state-building.

The study followed a qualitative methodological approach as the emphasis was on exploring issues, understanding phenomena and answering questions, with Hybrid Political Orders being the main theme. The study is deductive because theories and insights gained from the fragile state discourse and Hybrid Political Orders discourse were applied to Somaliland as a case study. Here aspects of a comparative approach came into play as the fragile state discourse was compared to the Hybrid Political Order discourse to weigh their views, successes and shortcomings in terms of state-building.

7.3   ADDRESSING THE AIMS AND OBJECTIVES OF THE STUDY

The research question and the above underlying research questions were substantiated and operationalised through the study's aims and objectives. It included a conceptualisation of the state in terms of the Weberian definition, an overview and conceptualisation of the fragile

state discourse, an overview and conceptualisation of the neo-liberal peace- and state-building practises, a conceptualisation of the term Hybrid Political Order as an alternative form of state-building to the neo-liberal variant and a practical application of hybrid state-building in Somaliland as the case study.

In order to address the research problem, the study aimed to:

- Provide a conceptualisation of the state in terms of the Weberian definition thereof to emphasise the significance of this perspective of the state and how it has influenced and became the theoretical foundation of the fragile state discourse. Also, to highlight its influence on current state-building practices. This section emphasised the importance of the state and the fact that it will not disappear soon.

The study argued that the fragile state discourse's theoretical foundation is influenced by Weberian's definition of the state, which places a strong emphasis on a permanent population living within the confines of a demarcated territory under the control of a sovereign government with a "overwhelming monopoly of physical force" (Weber, 1978). The fragile state discourse bases its ideas on what constitutes an "ideal-type state" on the Weberian definition with its strong state-centric focus. Any state that deviates from this "ideal-type" is categorised according to different degrees of failure. The focus was placed on the historical development of the state. In order to gain a better understanding of what constitutes the state, it was necessary to ponder its historical development and, in particular, the relationship between state and society as well as the origins of the state (Van Niekerk, 2001: 41; Du Plessis, 1941: 3 – 4; Rodee *et al.* 1967: 24 – 25; Giddens, 1989: 300). The focus of the study was to conceptualise Max Weber's authoritative definition of the state to understand the connection between the fragile state discourse and the Weberian definition. It is especially authoritative from the perspective of the fragile state discourse as this definition constitutes the benchmark of what an ideal-type state is supposed to be and against which different degrees of failure it is measured based on the extent to which states deviate from the Weberian ideal. The Weberian definition is, however, not only significant from a fragile state perspective but also the standard definition of the state in most scholarly writings in political science. Regardless of whether one's focus is university textbooks or

scholarly research, in most definitions, reference is made to Weber's definition of the state as having an "overwhelming monopoly of force" or other variations thereof.

Weber identified three significant systems or types of domination in the development of the modern state: traditional domination, charismatic domination, and rational-legal domination (Weber, 1958). Within the traditional system of domination, authority is based on long-established customs and traditions that are typically unquestionable and unique to tribes and small groups. The charismatic authority of an individual is based on the strength of his or her personality. Such a leader is frequently regarded as divine by his followers, possessing the ability to make direct personal appeals to them as a sort of hero or saint. The system of legal-rational domination is referred to as authority due to its legality and a firm belief that a system of rules' legal statute and functional competence were founded on rationally created rules (Weber, 1978). The power of rule is therefore determined and limited by formal constitutional rules. Weber identified the legal-rational system of authority as the typical form of rule characteristic of modern liberal-democratic states (Weber, 1968).

By conceptualising the Weberian definition of the state, the study indicated that the principle of the overwhelming monopoly of force as well as the state's ability to deliver political goods to the population within its territory formed the foundations on which the neo-liberal state-centric approach of Western state-building and the fragile state discourse was constructed. The study further indicated that the role and impact of the state will not go away in the foreseeable future and that all attempts at alternative forms of state-building had to consider Western and state institutions as well. After establishing Weber's position on the role of power, domination, authority and legitimacy, the study shifted its emphasis to an in-depth analysis of the definition of the state based on his argument that liberal democratic states possessed legal-rational authority.

Probably the most important characteristic of the Weberian definition of the state is the use of physical force. What distinguished the state from other political associations was the drastic nature of its means of ultimate control or physical force. The Weberian definition of the state has appealed to adherents of the fragile state discourse as manifested in their perspectives on what an ideal-type state should be composed of and is further utilised as the

criteria against which different degrees of deterioration in fragile states are measured. Ideal-type (or efficient) states succeed in combining well-developed and functioning bureaucratic structures with strong public-private ties. The appeal of the Weberian definition lies in its emphasis on the state structure and organisation, which has had a profound influence on social science research of the state. Fragile state scholars have further embraced Weber's emphasis on the empirical (*de facto*) characteristics of the state (the ability to use force) rather than the juridical (*de jure*) attributes of statehood. However, to provide an authoritative definition of the state, the empirical and judicial characteristics had to be considered as both these attributes can be regarded as the cornerstone on which the Montevideo Conference of 1933 based its authoritative legal definition of the state. It defined the state as having a permanent population, a defined territory, a government and the capacity to enter relations with other states (sovereignty). Sovereignty and territory were identified as the main components of the juridical *(de jure)* attributes and population and government as the empirical *(de facto)* attributes of the state (Du Plessis, 2004; Solomon, 2013).

The research shifted its focus to several features and functions of the state that are inherent to the Weberian definition of the state. These included the principle of the overwhelming monopoly of force, the constitution and constitutionality, the rule of law, the bureaucracy, and democracy. The importance of the Weberian definition of the state on the fragile state discourse is illustrated by Joel Migdal's (1988) explanation of the strong state. He defined it as an organisation comprised of various agencies whose executive leadership enforces binding rules for all people and other social organisations in each territory, if necessary through the use of force. Additionally, this state possessed the capacity to penetrate society, regulate social relations, extract resources, and distribute these resources.

- The study provided an overview and conceptualisation of the significance of the fragile state discourse, emphasising its influence in both development and security studies. This section further highlighted the importance and failures of neo-liberal state-building exercises to remedy supposed state fragility.

The fragile state thesis was conceptualised as it has been influential and controversial within both the fields of development and security studies. From both these perspectives, fragile states are regarded as a threat to national security and democratic governance, specifically to good governance, the rule of law and safeguarding of human rights. The fragile state approach has further created confusing classifications such as weak, failed, failing and collapsed. The chapter attempted to untangle this conceptual mess that the fragile state discourse is often guilty of. As the discourse has experienced severe criticism, especially from those in the developing world, it was necessary to unpack this concept in terms of the following questions: i) How and why are different fragile states classified as weak, failed or collapsed?; ii) To what extent do they fail to comply with the characteristics of the Weberian ideal-typical state? Therefore, it was also crucial to focus on the criticism that has been levelled at the fragile state discourse. The focus was placed on the roots of the fragile state discourse by emphasising its post-colonial heritage and its most influential period after the end of the Cold War. The reasons why this discourse changed its direction from being a developmental concern to becoming mainly a security issue was scrutinised, after which the emphasis of the study shifted to the conceptualisation of the fragile state discourse. In this section, attention was also given to the different classification models that governments, academics and donor agencies have developed. The chapter concluded with the scrutiny of the arguments of a growing body of literature that has been critical of the fragile state discourse.

In discussing the historical roots of the fragile state discourse, the study argued that most of the states currently categorised as fragile were in the early stages of their development. The international community did not regard them as states because they were still colonial possessions controlled by the hegemonic motherland. Two colonial legacies that were particularly damaging was the introduction of government systems that were alien to traditional authorities in pre-colonial states. Furthermore, artificial colonial borders were created that did not respect ethnic alliances or geographical characteristics (Brock *et al.*, 2012; Giorgetti, 2010; Hagmann & Hoehne, 2008). In order to put the historical roots of the fragile state discourse into context, the contribution of the British diplomat and author Robert Cooper (2003: 16 – 42) was scrutinised. He identified three categories of states in the post-Cold War world, namely pre-modern, modern and post-modern states. Post-colonial states

embraced globalisation to the full, questioned sovereignty as a key characteristic of the state and rejected the old principles of *Realpolitik*. On the contrary, modern states are those that are still influenced by the classic state system, and order still had to be maintained through the 'balance of power' while adherence to the principles of sovereignty was equally important. Pre-modern states are referred to as pre-state, post-imperial chaos, which no longer satisfies the Weberian definition of the state by losing its legitimate monopoly on the use of force over its territory and is no longer able to deliver essential political goods. Saikal (2000), Klingebiel and Ogbamichael (2004), Goodhand and Hulme (1999) referred to these pre-modern dispensations as disrupted states, poor performers or complex political emergencies, while Bilgin and Morton (2004) referred to authoritarian states such as North Korea as rogue states. On his part, Jackson (1990) referred to states that possessed *de jure* statehood but lacked *de facto* statehood as quasi-states.

The influence of the fragile state discourse, especially during the 1990s, was highlighted by the contributions of some of the most influential scholars that have published on the topic. These included authors such as Samuel Huntington (1968) and his ideas around *political decay*, Helman and Ratner's (1992/93) *Saving Failed States*, Robert Kaplans (1994) *The Coming Anarchy*, the 1995 work *Collapsed States* by William Zartman as well as Robert Rotberg's (2002) work, *Weak States.* The section on the historical overview of the fragile state discourse was concluded by focusing on the confusion that this perspective often creates in terms of exactly what the differences are between a weak, failing or failed state? The study argued that weak, failing and failed were used to explain different degrees of failure that a state experienced, while fragile is an umbrella term encompassing all the other terms. Therefore, a failed state is worse off than a weak state in terms of the degree of deterioration that it experiences, but both these states can be regarded as fragile. Therefore, I argued that the term 'fragile state' would be used in the study to describe the broad study of state deterioration and includes all the classification terms (e.g., weak, failed, failing) used by different scholars, governments, and observers. Focus was further placed on the global South's criticism of failure as having a threatening and humiliating tone and detrimental to states classified as failed because it discourages foreign investments in states that need it the most. The stigmatisation of the term 'failed' is seen as just another justification of the West to interfere in the affairs of these states (Chuter, 2009: 27 – 28; Grimm *et al.* 2014: 197).

The study attempted to conceptualise the term 'fragile state' specifically because the fragile state discourse is often accused of using degrees of failure (weak, failed, failing) in vague and ambiguous terms. As their point of departure, the fragile state discourse developed a definition of an ideal-typical state (adhering to the Weberian definition of the state). This definition is used as the benchmark against which other states not adhering to the principles of this definition are categorised. More specifically, according to the degrees to which they do not comply (Woolaver, 2014: 600 – 601). In order to get to the heart of defining fragile states, scholars within this discourse focus on the government and state apparatus ability to function efficiently, be transparent, can enforce its will effectively within the entirety of its territory, whose rule is regarded as legitimate among its population, has a strong, vibrant economy and grants several fundamental rights to its citizens and can distribute essential political goods. These governance attributes must be present in any successful state. The fragile state discourse justifies its state-centric approach by arguing that no other form of social organisation has succeeded in history in displacing the state. The discourse then used these attributes as the benchmark against which conditions in fragile states are compared and then categorised according to the extent of the deterioration that these states experience (Brock *et al.*, 2012: 16 – 18). The fragile state discourse often depicts Somalia as a classic example of a collapsed state as it is characterised by the worse degree of failure. Somaliland desperately seeks independence from Somalia as a means of distancing itself from the chaos and disorder of its southern neighbour and therefore protect its reputation as an island of stability in an unstable region. In the following section, two categories that have been important in defining the fragile state concept was scrutinised. The first category is referred to as problem solvers and the second as critical scholars. Problem solvers focus most of their attention on performance issues of states and provide governments and international institutions with recommendations on how to improve conditions in fragile states. On the other hand, critical scholars question the value, significance, and meaning of the fragile state concept. Problem solvers have attempted to determine the different degrees of failure in fragile states by developing different classification models as well as attempting to predict the likelihood of failure in different scenarios. The study attempted to provide more clarity on the different classification models that scholars have developed from the problem-solving category. The focus was placed on the contributions of problem-solving scholars such as Geldenhuys (1999), Rotberg (2002) and Gros (1996) as their classification models can be

regarded as some of the most authoritative and their approaches to distinguish between different degrees of failure has also been quite similar. The study also gave recognition to other classification models that have been developed by donor organisations, government agencies and research institutes such as USAID, the US-based Political Instability, the World Bank, the British Department of International Development, the CIA's Directorate of Intelligence, the Crisis State Research Centre at the London School of Economics and the US Fund for Peace's Failed State Index that all attempted to develop classification models using various variables to determine degrees of failure (Taylor, 2013: 18 – 21).

As indicated earlier, the focus of the classification models that have been developed by Geldenhuys (1999), Rotberg (2001) and Gros (1996) was to determine degrees of deterioration in fragile states by comparing them to the Weberian definition of the state. The model of Geldenhuys (1999) was specifically used to distinguish the different degrees of failure as his classification model is the most all-encompassing regarding the least severe failure on the one end and the most severe failure on the other end. The contributions of the other classification models were then accommodated within the Geldenhuys model. This model includes four manifestations of failure that states might experience: soft states (which experience the least degrees of failure), weak states, failed states and collapsed states (which experience the worse degrees of failure).

The study further focused on the second category of the definition of fragile states, namely the critical scholars. In this section, attention was given to criticism of the fragile state discourse. The discussion was organised by focusing on four levels of criticism: the state-centric approach of the concept, its flawed classification models, the idea that fragile states are havens for terrorist activities and the fact that the whole fragile state concept has weak theoretical foundations (Brock *et al.*, 2012: 20). The first point of criticism related to the fragile state discourse using a state-centric approach in its analysis. It uses the Weberian definition of the state against which states that do not adhere to the criteria in the definition are judged and classified according to the extent to which they deviate. The capacities of post-colonial states are therefore compared to the ideal-typical state in the West. The strengths, successes, weaknesses and failures of states are then simplistically reduced to an empirically observable capacity (Bilgin & Morton, 2002: 62 – 63; Boas & Jennings, 2005: 388; Hill, 2004:

7 – 8). The second point of criticism referred to the classification models that the discourse use to determine different degrees of failure among states. The classification models are accused of using weak analysis, opting for a descriptive and categorical methodology that lends itself to a narrow checklist approach that may lead to misguided planning and intervention. By categorising states as weak, failed, or collapsed, the classification models obfuscated critical distinctions between states rather than accounting for them. This demonstrates the discourse's inability to comprehend empirical inconsistencies and divergent historical trajectories of state formation and erosion (Bilgin & Morton, 2002: 55; Chuter, 2009: 29 – 30; Hagmann & Hoehne, 2008: 44 – 46). The third criticism was directed at the notion that fragile states provided safe havens for terrorist activity. Following the United States' 9/11 terrorist attacks, the view of state failure shifted from a strategic threat to global stability to a threat to the international system of states as a whole. Fragile states were viewed as a serious threat to national security at this point. It was argued that the instability in these states would encourage terrorist groups to operate from there without fear of capture or punishment. The final level of criticism against the fragile state discourse related to its flawed research methodology, especially its weak theoretical foundations. The discourse is accused of generating very bad or superficial research, and that their approach is tautological because their use of the exact same empirical measures is used for both cause and outcome. Therefore, state fragility is accused of being so flawed that it is unusable in academic analysis and deeply dangerous for policymaking. The discussion on the weak theoretical foundations of the discourse was then further subdivided into its failure as an analytical tool, inability to explain, and normative model of the state. In terms of its failure as an analytical tool, the discourse has been criticised for being littered with obscure definitions, confusion and ambiguity.

State failure is therefore observed as a logical outgrowth of historical circumstances of the post-World War II order (and the *de jure* sovereignty granted to and the process of state failure regarded as an inevitable result of the post-Cold War order. It is tautological because it exaggerates the chaos and anarchy that has supposedly taken hold of the whole state instead of focusing on those parts and institution that experiences difficulties. Additionally, they are oblivious to the profound distinctions between anarchy as the absence of government institutions and the actual collapse of indigenous social structures. Additionally,

the discourse is accused of failing to account for the intricate internal social dynamics of the state as a result of their limited theoretical understanding of the state. They frequently describe the state as a collection of institutions, oblivious to the fact that it is a particular type of relationship between these institutions and society. Finally, the discourse "bases their explanation of state failure on a particular normative model of the state – a liberal democratic state that follows free-market economic principles, that is transparent and accountable and possesses very specific institutional requirements. Critics see this as nothing more than a value-based notion of what the state is supposed to be and a patronising approach to scoring states based on how these states manage to adhere to those values" (Schoeman, 2008).

- The study reflected on how current neo-liberal state-building endeavours have been influenced by the Weberian definition of the state and the classification models utilised by the fragile state discourse.

The study scrutinised the role and influence of current peace- and state-building practices, how its operations are founded on the Western (Weberian) model of the state as well as the fragile state discourse. The latter's ideas were obstacles to the successful reconstruction of fragile states because of their ignorance of the role of traditional authorities. In order to put the discussion into context, the focus was placed on the historical development and influence of peace- and state-building practices. The research indicated the importance of distinguishing between nation-building, peacebuilding and state-building as their meaning are often used interchangeably. The concepts of peacebuilding and state-building are often also confusingly used as if they share the same attributes because they both operate against the backdrop of states emerging from conflict. Although they share some similarities, the study argued that they were also different, and these distinctions had to be investigated. Peacebuilding became prominent during the 1990s and was endorsed by the United Nations who initiated several peacekeeping efforts in fragile states. The main functions of peacebuilding can therefore be summarised as follow: the establishment of liberal governance (promotion of the rule of law, multi-party elections, constitutional democracy, human rights and a free-market economy), guaranteeing order within the state in the context of global security and stability, upholding social justice and ensuring an end to any form of discrimination against minorities (Menocal, 2011: 1717).

State-building is defined as external interventions that seek to reconstruct those governance arrangements that can assist the citizenry with physical security and economic sustainability. Additionally, it referred to the establishment, re-establishment, and strengthening of a public structure capable of delivering public goods in each territory (Menocal, 2011: 1718 – 1719). Grävingholt *et al.* (2009) argued that this conceptual confusion between these two concepts could be resolved by emphasising that state-building appeared to be a central element of peacebuilding in post-conflict situations while peacebuilding activities are often regarded as important elements of state-building activities. Furthermore, peacebuilding usually defined the context in which it operates in terms of conflict stages, while state-building perspectives do it in terms of degrees of capacity and willingness.

The study focused on criticism of the Weberian definition of the state as the foundation of state-building practises. As mentioned earlier, the view of the ideal-type Western state was used as the benchmark of perfection and states categorised as failed and not complying with these standards had to be reconstructed through state-building to comply with these standards. This approach has been severely criticised for making normative judgements when supposed failure is compared to the successes of the Western state. It was again emphasised that the concept of Hybrid Political Orders represented a new perspective on state-building, which acknowledged the co-existence of formal (traditional state institutions) and informal (traditional authorities) institutions (Von Trotha, 2009: 38). It was further argued that the Weberian point of view towards state-building, with its overemphasis on imposing western governmental institutions on fragile states, has become unsuited to understand states' political and social dynamics in these unstable dispensations. This neo-Weberian state-building argument proposed that states had to possess a monopoly on the means of violence, the state had to have administrative control over its whole territory, it had to have the ability to manage its public finances, had to invest in human capital and the ability of citizens to participate in the economy. Furthermore, the state had to provide its citizen's with an array of citizenship rights (equality in terms of gender, ethnicity, race, class and religion) and had to be a provider of infrastructure across the whole of its territory. Also, it had to encourage the formation of a free-market economic system, it had to manage wealth creation through managing its natural resources, and lastly, the state had to develop the ability to engage and

build relationships with other states and have the ability to uphold the rule of law. It was argued that the key to successful state-building depended on the commitment of states to perform these functions in an integrated way so that decisions that were taken on all levels of government would enhance ownership and opportunities for citizens. This process would further enhance the legitimacy and credibility of the decision-makers, which would enhance the overall spirit of trust (Ghani *et al.*, 2005, Ghani & Lockhart, 2008: 6 – 9).

- The study reflected on revisionist approaches that have recently become critical of the state-centric approach followed by the fragile state discourse. These include neo-Weberian institutionalism, neo-patrimonialism, clientelism, ungoverned spaces, twilight institutions, the mediated state, and political anthropology. This section argued that all these approaches have contributed to the debate on finding alternative forms of state-building but have been too limited and often exclusive in their scope or, in the case of neo-Weberian institutionalism and Fukuyama's anthropological perspective, still too state-centric in their views.

The research focus shifted to a potential alternative form of state-building that would be more suitable to accommodate traditional authorities. The section further explored the views of three schools of thought that considered 'a way forward' as alternatives to the limitations of current state-building. The first, and most extreme perspective, argued that external actors should not interfere when violent conflicts occurred but rather had to leave it to local actors to create their own peace and order. This referred to the role of war in state-building and how the victor's peace deal might be better than a negotiated peace deal. The second perspective argued that the actions of the current state-building approach were sufficient but that resources had to be increased and efforts to facilitate local ownership had to be improved. The third perspective used a revisionist lens to rebalance the assumptions and strategies underlying contemporary peace and state-building interventions in light of local realities (Aguirre & Van der Borgh, 2010: 9–10). The revisionist approach, it was argued, is more critical of the liberal state-building project and advocates for a much stronger emphasis on local realities, institutions, knowledge, and agency. Within the revisionist approach, several scholars have attempted to better understand the political dynamics in developing states by focusing on local/traditional institutions that seemed to be intertwined with state

institutions. In this regard, attention was briefly given to theoretical perspectives such as neo-patrimonialism, ungoverned spaces, mediated states and twilight institutions that have attempted to focus on aspects of how traditional institutions form an integral and often opposing part of the Weberian understanding of the state (Kraushaar & Lambach, 2009: 6 – 14). One problem with these theoretical perspectives is that they have a limited scope regarding their focus on traditional institutions. However, these perspectives have planted the seed to move towards a post-Weberian approach to state-building instead of the neo-Weberian approach that is currently followed (Lottholz & Lemay-Hébert, 2016: 13).

- The study attempted to achieve its primary goal by focusing on Hybrid Political Orders as a perspective that is moving away significantly from a state-centric approach in achieving an ideal dispensation (or hybrid state-building) that acknowledges the role of both state institutions as well as traditional forms of governance. Its goals and ideals are also broad enough to encompass all the previous approaches that have individually attempted to provide non-state-centric alternatives. Criticism against the HPO perspective was also carefully weighed against its advantages to form and maintain a logical argument.

The research shifted to a conceptualisation of the term Hybrid Political Order. It commenced by re-emphasising the Western misconception that when fragile states lose control over their territory, they collapse into chaos and disorder. On the contrary, in situations where power vacuums develop due to the inability of government institutions to maintain control over its territory, conditions of statelessness often provide opportunities for other actors to fill this vacuum. Additionally, it was noted that in many developing states, customary, non-state institutions of governance (which date all the way back to pre-colonial times) continue to play a significant role in the lives of people living in traditional societies (Mutusi, 2011: 3). In their approach to state-building in fragile states, Western policymakers have made two crucial mistakes. On the one hand, there was limited engagement with the local populations and non-elites in traditional societies that felt that they had little to contribute to the process of reconstructing the state. On the other hand, there was also significant tension between the international fixed standard of legitimacy and the idea of good governance and perceptions on what constituted legitimacy that was held by local populations (Smith, 2012: 21 – 36).

The research emphasised that the term hybrid has its origins in biological and horticultural terminology. It was later adopted by other subject disciplines such as anthropology, sociology, literature and post-colonial studies. Anthropology and post-colonial studies have focused on aspects of hybridity in their studies of the complex interactions between the colonisers and the colonised. These often tense relationships involved sub-judication, extraction and control by colonial powers but also involved various forms of other interactions such as truces and cultural exchanges. These were multi-layered exchanges, and the assumption that the colonial powers followed a top-down enforcement strategy is often misguided as these exchanges had a complex transcultural dynamic patterned by power, coping and human agency (Mac Ginty & Richmond, 2016: 222; Smith, 2014: 1509). The study emphasised the contributions of scholars who argued that hybridity could be a permanent solution to post-conflict realities in developing states. In this regard, much focus was placed on the contributions of Volker Boege (2009) and his colleagues at the Berghof Research Centre for Constructive Conflict Management. Two distinct goals can be discerned within this body of literature: one focused on the internal dynamics of ordering a post-conflict state in order to achieve a balance of state institutions and non-state actors, and the other on determining how external international donors and agendas interacted, contested, and merged with local actors (Moe, 2011: 146). The term Hybrid Political Order encapsulates these two objectives. A Hybrid Political Order is defined by multiple and competing authority structures, distinct rules, behavioural logics, and claims to power that merge, interact, and intertwine while incorporating elements of Western models of governance and indigenous institutions. This form of hybridity is further distinguished by the absence of the use of categories or binaries that have been so characteristic of the fragile state and liberal state-building practices. It provided a more holistic approach that avoided orthodox conflict analysis templates, which often takes no recognition of issues such as gender, dissent and inconsistencies among the population (MacGinty & Richmond, 2016: 228 – 229).

- Somaliland was used as a case study of a possible successful example of a Hybrid Political Order in action. This section provided a historical overview of the origins of Somaliland within the greater context of Somalia and how it has managed to become an autonomous political entity. The research focused on how state institutions and traditional institutions (with special emphasis on the House of Elders or *Guurti*) have merged to form a hybrid

form of governance. The successes and failures of this form of governance were then analysed.

The study directed its focus to Somaliland as a case study for hybrid state-building, which involved the participation of traditional authorities in a bottom-up strategy with the almost complete absence of external assistance and intervention. As the main title of the thesis indicated, Somaliland could be regarded as a beacon of hope and relative peace and tranquillity amidst decades-long conditions of chaos and disorder in Somalia, of which it still forms part but from which it has demanded independence since 1991. In order to put Somaliland's practical implementation of hybrid state-building as well as its struggle for sovereign recognition up until 2017 into context, the study focused attention on the historical evolution of Somaliland since it received its independence from Great Britain in 1960 to its self-proclaimed independence from Somalia in 1961 and its progression towards becoming a region of relative peace and stability despite being surrounded by high instability and disorder. Somaliland was granted independence from Britain in 1960, and its sovereignty was recognised by 35 states, including the United States. The world community welcomed the new Republic of Somalia with enthusiasm. It was one of the few post-colonial African states with a population that was ethically, linguistically and religiously homogeneous, which made the possibility of a peaceful, stable region much more likely. Any possibilities for a peaceful co-existence of the union ended abruptly when General Mohammed Said Barre overthrew the government of Somalia in a coup d'état on 21 October 1969. For the next two decades, Barre would pursue an aggressive and militaristic strategy, depriving clan leaders of their authority and instilling a sense of nationalism through the reclaiming of contiguous, culturally defining Somali territories.

On 18 May 1991, Somaliland proclaimed its independence from Somalia, intending to re-establish the sovereign independence granted to them by the United Kingdom as the new Republic of Somaliland. The international community totally ignored the process of peacebuilding and post-war reconstruction in Somaliland after 1991 as they were preoccupied with the conflict in Somalia and the Balkans. The lack of external support, however, granted the people of Somaliland the opportunity to organise a number of conferences during the 1990s to forge consensus on peace as well as sign agreements on how

political institutions and power-sharing should be constituted (Bradbury, 2008: 1; Hagmann & Hoehne, 2009: 490; Heleta, 2014: 68; Hersi, 2018: 10). The first conference took place in Berbera in February 1991, with reconciliation between the Isaaq and non-Isaaq clans as its main objective. This laid the groundwork for the second conference in Burco where it was decided to break away from Somalia, establish an interim government, and draft an interim constitution. The first SNM government under the leadership of Ahmed Ali Tuur were given a two-year mandate to reconstruct the state, establish security on its borders, revitalise the economy, formulate a new constitution and ensure the political accommodation of all clan structures. However, the first six years of independence was turbulent as a rift between two factions in the SNM developed that soon exploded into a conflict over the control of the town of Burco and the port of Berbera. This spelt the end of the SNM (Isaaq clan) dominated government, and in an ironic twist, a peace deal between the factions was negotiated by non-Isaaq clan elders. The third conference held in May 1993 in Borama could be regarded as the most defining event in Somaliland's political development. The conference laid the groundwork for Somaliland's system of government (which became known as the *beel* referring to the community) and formalised the future role of traditional institutions. Additionally, it was responsible for resolving issues of representation and power sharing through the institutionalisation of clans and their leaders into the government system. Additionally, the conference presided over the peaceful transition of power from the SNM government to a new civilian administration led by Mohammed Egal, who was elected for a two-year term. The new government arrangement could be described as a dynamic synthesis of Western form and traditional substances, consisting of an executive president, an independent judiciary, and a bicameral legislature comprised of an Upper House of Elders (the Guurti) and a Lower House of Representatives whose members were nominated on a clan basis by an elders electoral college. Its ability to function under subsequent civilian governments has empowered Somaliland to sign the Universal Declaration of Human Rights and take the initiative in restoring peace, disarming combatants, strengthening the economy, and adopting a constitution based on universal suffrage and multi-party elections. This was, however, only one side of the story as the Egal government were soon after the establishment of the state, accused of instigating a patronage system with handouts becoming the primary source of the legitimacy of statehood. While the elders in the *Guurti* had a significant role to play in decision-making during the Borama conference, they started to lose their political

initiative as they now became an ordinary organ of the state and partisan to Egal's government. By the time of the conference in Hargeisa, by the end of 1996, the incumbent president, Egal, had firm control over the *Guurti.* The balance of power established previously in the hybrid phase of state-building now shifted towards the government who had asserted a degree of hegemony over the clan leaders. In February 1997, Egal was again elected as President, although he was accused of bribing delegates to secure his position (Hoehne, 2013: 203; Mesfin, 2009: 5; Renders & Terlinger, 2010: 733; Ridout, 2012: 147).

At the dawn of the new millennium, a committee consisting of 45 members, appointed by the President, promulgated a draft constitution. A referendum was held a year later, on 31 May 2001, to approve the constitution and finally confirm Somaliland as an independent state. Consequently, 97% of the population approved, which meant that the new constitution facilitated the transition from a clan-based administration to a multi-party democratic system that guaranteed universal suffrage with specific emphasis on women's rights (Bennet & Woldemarian, 2011: 2; Mesfin, 2009: 5; Mills *et al.*, 2019: 4). The adoption of the new constitution further introduced the transition from a clan-based system to a multi-party democracy while retaining the Upper House (*Guurti*) as the representative chamber of traditional clan-based structures. Although there was a widespread endorsement of the constitution, the same sentiments were not shared towards adopting a multi-party democracy. However, the rationale of the Somaliland government was that for the country to be recognised as a sovereign state, it had to install a constitutionally-based and appropriately elected and authentically democratic government. The transition to a multi-party democratic system took place in three phases. During the first phase, local government elections were held in December 2002. During the second phase, presidential elections were held in April 2003, and during the third phase, elections for the House of Representatives (lower House) were held in September 2005. According to the constitution, the end of the term for the House of Elders were supposed to be in October 2006. However, on 6 May 2006, the elders voted in favour of a decree that extended their term for another four years. This move provoked outrage because the longer members of the *Guurti* stayed in the capital and away from their constituents, the more they became involved in state politics and the less they acted in the interests of their people. The *Guurti* seemed to further abuse their powers in 2008 and 2009 when they were responsible for postponing both the presidential and

legislative elections while also prolonging the president's term for a second time in October 2009. For opposition parties, these delays were unconstitutional, and the situation caused rising tensions in Somaliland. At the same time, the administration threatened opposition parties to not demonstrate as this would be regarded as an illegal action. On 25 September 2009, the *Guurti* extended the term of the president and vice-president for a third time, again delaying the election that eventually took place on 26 June 2010. The latter elections and the last presidential election that was held in 2017 confirmed that, despite some internal problems, Somaliland's democratic institutions had durability, which stood in stark contrast to its neighbour, Somalia that seemed to be unable to escape the violence and instability it was still caught up in (Elder, 2017: 1 – 3; Hoehne, 2013: 205 – 206; Mills, 2014: 473; Walls & Healy, 2010: Internet).

- In the last section, the study considered the successes and failures of hybrid state-building and governance in Somaliland. The question of whether this unique process of state-building could be regarded as a true practical application of successful hybridity (which involves traditional as well as liberal democratic institutions in the governance process) was weighed against the possibility that the hybrid state-building process was just an interim phase towards Somaliland becoming a liberal democratic dispensation in which traditional authorities have very limited influence and authority. The study further pondered the issue of Somaliland's quest for independence (and international recognition thereof) from Somalia. This issue is important since Somaliland fulfils all the requirements of statehood except the recognition of its sovereignty by the international community. This predicament further begs the question of whether Somaliland has utilised the process of hybrid state-building as a means to an end in the achievement of a (western) democratic system and therefore increasing its chances of gaining international recognition of its statehood. The study provided a perspective that focuses on the positive rather than the negatives of troubled societies. It also included an acknowledgement that what is considered failure, is rather a situation where other actors fill the leadership and authority void to maintain a form of government that can, in unison with current state institutions, achieve results that better reflect the political reality of societies labelled as failed by current fragile state and state-building approaches.

The relevance of the above is found in the significance and contributions of the research that is discussed in the following section.

7.4   EXPLAINING THE SIGNIFICANCE AND CONTRIBUTIONS OF THE RESEARCH FINDINGS

By conceptualising the Weberian definition of the state, the study indicated that the principle of the overwhelming monopoly of force as well as the state's ability to deliver political goods to the population within its territory formed the foundations on which the neo-liberal state-centric approach of Western state-building the fragile state discourse was constructed. The study further indicated that the role and impact of the state will not go away in the foreseeable future and that all attempts at alternative forms of state-building had to consider Western and state institutions as well. The study attempted to establish a link between Weberian's state definition and the fragile state discourse. By adhering to Weberian's definition of the state, the fragile state discourse has developed several classification models to quantify the extent to which a state violates the Weberian definition's core principle. The research emphasised the important role that the fragile state discourse played in development and security studies. These different degrees of fragility have formed the cornerstone on which aid agencies, state-building practitioners, government agencies and academics have based their research in addressing the problems in these states. The focus was placed on criticism of the fragile state discourse and the fact that it has been and still is regarded as state-centric and Western orientated, lacking the ability to effectively analyse conditions in states they perceive as fragile. The chapter laid the foundation on which the criticism against the fragile state discourse is further pursued later in the study to identify alternative academic perspectives to the state-centric approach.

Similar to the fragile state discourse, the study argued that practitioners of peace- and state-building shared the same fixation about transforming states that experienced failure and even collapse in the ideal-typical Western manifestation of the state. In doing so, they have neglected the influence of traditional authorities and customary law as the providers of law and order, protection and services in the absence of a functioning state. The study further argued that current peace- and state-building practices had to be re-thought or even re-designed to acknowledge the role of customary forms of governance in collaboration with state institutions to create state-building efforts that guarantee strong state capacity,

effectiveness and legitimacy. In most developing states, and especially those classified as failed, the practices of governance and the creation of order often reside in non-state forms of customary rule rather than in government institutions. The research proposed that state-building practitioners should consider Hybrid Political Orders as the latter emphasises the importance of customary rule in unison with traditional western state institutions without overemphasising the role of the latter. It was again emphasised that the concept of Hybrid Political Orders represented a new perspective on state-building, which acknowledged the co-existence of formal (traditional state institutions) and informal (traditional authorities) institutions (Von Trotha, 2009: 38).

Given the above point of departure on state-building practises, the study grappled with why this empirical ideal was so far removed from the realities in most states in the developing world and why they have struggled to implement it? Firstly, it was argued that the legacy of modernisation theories could be blamed for much of this. The latter approach used cultural evolutionary theory and proposed that societies evolved inevitably in a linear direction from traditional to modern economic, social and political forms. Traditional institutions were viewed as remnants of a pre-colonial past and had to be overcome to achieve the modernisation of society. Adherents of the view that modernisation had to replace everything traditional, however, overlooked the fact that traditional societies have remained a resilient and persistent force in the modern globalised world, serving as a source of identity and a means of organising social, economic, and political systems (Clements *et al.*, 2007: 46 − 47; Kraushaar & Lambach, 2009: 2 − 4). A second culturalist perspective argued that Western states were a product of a specific socio-cultural environment that is not present in most developing states. From this radical point of departure, it is argued that societies in the developing world should not even consider a Western state model since it was incompatible with their own cultures and traditions. Although this view was more sensitive towards the values, norms and culture of society, it positioned culture in such high regard that it would be difficult to imagine how social change could occur in such a situation. The study, however, emphasised a third perspective that offered a more suitable middle ground by arguing that institutions were adaptable, though within certain limits. From this point of view, it was argued that norms, traditions, and institutions change when faced with new challenges, when their environment changes, or when they are confronted with new ideas. Hybridity is often a

characteristic of these processes, and the concept of Hybrid Political Orders, therefore, finds its home within this third perspective (Kraushaar & Lambach, 2009: 2 – 4). The study further argued that the reality of liberal democratic systems is often not a true reflection of the real processes of leadership selection and representation that takes place in the customary and traditional spheres of governance. Often, leadership principles in traditional spheres of governance are based on kin affiliation and patronage, which contradicts liberal-democratic leadership principles. As a result, leadership legitimacy is not so dependent on formal state processes, and traditional/charismatic authority frequently prevails over legal/rational authority. Additionally, it was argued that, despite its limitations (arbitrary, self-serving, and parochial), customary leadership can be effective and legitimate in managing and resolving everyday issues at the grassroot level (Boege *et al*., 2009b: 18 – 19).

The study highlighted the fact that the neo-liberal Western top-down state-building approach that has been followed in Somalia was a failure since it was unable to bring an end to a conflict that has been carrying on for many decades, and that the focus should rather be on the relative successes of the bottom-up state-building approach that had been achieved in Somaliland (Wennmann, 2010: 2). The latter state-building endeavour was characterised by extensive participation, consultation and cooperation between diverse clan groups who were previously enemies but took ownership of the process to create a peaceful platform from which an integrated system of governance, consisting of traditional authorities and Western institutions, could be established. The chapter also addressed criticism against the top-down approach that is followed by current state-building practices. The main issue that was addressed related to the arguments from the state-building fraternity that many government institutions in fragile states lost their legitimacy domestically and internationally. The natural reaction of the international community has been to broker new government institutions and assisting new governments in regaining legitimacy in the establishment of security and economic functions (Boege *et al.* 2009a: 15 – 16; Menkhaus, 2010: 93 – 95). The same also applied to the international communities' attempts to promote democracy. In several democratic developing states, electoral fraud, suppression of dissent and increased corruption had been the order of the day. Many state-building exercises have further displayed its inability to ensure that newly formed government institutions are legitimate in the eyes of the population (Francois & Sud, 2006: 150 – 151; Von Trotha, 2009: 39). The study

has further identified several reasons why state-building exercises have been unsuccessful. To begin, the rapid results promised by a massive influx of foreign aid created unrealistic expectations. Second, due to weak state capacity, aid is provided through non-governmental or international organisations, bypassing governments and relegating them to the role of spectators rather than distributers. Thirdly, donor organisations' capacity-building efforts have been highly ineffective, and despite lessons learned from other countries about inefficient technical assistance, they have continued to pour money into these areas. The final issue is that international communities are implementing a broad range of political, social, and economic reforms ahead of the capacity of governments in developing countries to foster ownership (Francois & Sud, 2006: 150 – 151). As a result, it was argued that current state-building practises did not adequately respect indigenous cultures and lacked the capacity to facilitate widespread democratic participation and ensure the effective delivery of government services. This has prompted several scholars to reconsider the notion that fragile states must be rebuilt in the image of the Weberian state model in favour of a less state-centric approach to state building. Therefore, the challenge would be to think of state-building in a way that would ensure that the Weberian state does neither overpower nor dominate traditional authorities and vice versa (Clements, 2007: 45 – 46).

By conceptualising the term Hybrid Political Orders, the study attempted to present it as an alternative form of state-building that may be more effective in the developing world. Hybrid state-building acknowledges the importance of a governing partnership between traditional and state institutions in contrast to neo-liberal state-building practices that only acknowledge the model of Western state institutions. By focusing on four cases where limited hybridity occurred, the study attempted to highlight the importance that the traditional still played a role in these communities. This is in stark contrast to current state-building practices where local communities are often marginalised and isolated and play no part in the reconstruction of the state of which they are also part. These four cases of "limited hybridity" have also laid the foundation for the practical application of a hybrid form of state-building in Somaliland.

 The study emphasised some practical examples of limited forms of hybrid state-building in Chad, Rwanda, Mozambique and Somaliland. Although none of these states, except Somaliland to a certain extent, can claim that they have followed a hybrid state-building

process to the full, there are definite traces of hybridity in how these states have given non-state local authorities some empowerment to participate in political decision-making, albeit only limited powers. This stems from the realisation that the co-existence of official state institutions (that can no longer provide security, individual rights and political goods to all within its territory) and customary non-state authorities (that then fill this institutional void by providing some of those services) have forced scholars to rethink the traditional perception that the fragile state had to be reconstructed according to Western models of state-building. However, supporters of the HPO discourse make it clear that this approach is not an attempt to bypass the traditional role of the state but rather to reduce the overemphasis on state-centric state-building approaches (Mallett, 2010: 75 – 76; Wennmann, 2010: 26). Furthermore, it challenged the dominant understanding of what constitutes a political community and terms such as 'ungoverned spaces' and 'statelessness' (which are negative synonyms used by Western state-building practices to describe chaos and disorder) are more positively recognised as intrinsically political spaces or *polis*. The HPO discourse emphasises the resilience of customary, non-state institutions and authorities such as clan chiefs, village elders and religious leaders in determining the local experience and are often also instrumental in the successful operation of state institutions. In environments categorised as fragile, the state (with reference to formal government institutions) is but one actor amongst others, and state order is but one of several other orders that claim to provide security and other social services. Often, people at local level do not recognise the legitimacy of government institutions except when a leader from the traditional societal context is also represented at national government level (for example, a minister who is also a tribal chief). The latter scenario is referred to as hybrid legitimacy or a mixture of traditional and/or charismatic legitimacy as well as legal-rational legitimacy. When the national government is perceived as illegitimate and corrupt by most of the population, it creates a feeling of isolation, alienation and psychological distance from the government. The expansion of state authority (as emphasised in Western state-building practices) often comes at the expense of traditional authorities who are regarded as the *de facto* leaders at local government level and can lead to an increase in levels of intolerance and violence which has the opposite effect than peacebuilding (Boege *et al.*, 2009a: 20; Da Costa & Karlsrud, 2011: 19 – 20; Smith, 2014: 1509).

Rather than assuming that complete adoption of Western models is the best path forward for conflict prevention, security, development, and good governance, the Hybrid Political Order approach argues that the emphasis should be on governance models that drew on the strengths of social order and resilience embedded in community life to work against the grain of existing institutions. Because they borrowed and combined elements from each other, this hybrid approach makes no distinction between state institutions and informal or traditional institutions. Additionally, it can be viewed as a heuristic tool for attempting to comprehend how power and legitimacy are negotiated in instances where the liberal democratic state model does not work. The latter made the study of Somaliland significant since its peacebuilding and state formation exercise involved different clan authorities that were integrated within formal state institutions (House of Elders or *Guurti).* Thus, Somaliland's governance system was a hybrid of Western political institutions and traditional clan representation systems, which contributed to the country's relative peace and stability by fusing the best of local and international practises. The establishment of a multi-party democracy was the culmination of the use of traditional consultative and consent processes, as well as Western electoral models adapted to fit Somaliland (Harper, 2012: 2; Heleta, 2014: 71; Hoehne, 2013: 199).

The concept of Hybrid Political Orders not only fit well into revisionist theories but better contributes to our understanding of the realities of post-conflict political communities and institutional set-ups. It has further contributed to our understanding of the connections and associations between these different institutions. In contrast to theoretical perspectives such as neo-patrimonialism, ungoverned spaces and twilight institutions, Hybrid Political Orders provide a much broader and all-encompassing focus on the role of traditional authorities in post-Weberian state-building practices. Furthermore, it has also been more successful in providing viable alternatives to the neo-Weberian top-down state-building approach that are currently followed. As a result, hybrid political orders differ from Western states in terms of security, representation, and welfare. The security domain, which is frequently regarded as the heart of statehood from a Western perspective, is approached in a non-state-centric manner. Internal security and order are not maintained through the legitimate use of physical force from an HPO perspective. State and non-state institutions had to share these responsibilities. Furthermore, law and order within traditional societies are often provided by

village chiefs and village elders instead of the state's judicial system, which is often far removed from people living in traditional societies. The study suggested moving from current and dominant state-centric state-building practices that provide little to no recognition of the role those traditional authorities should play to a more revisionist approach that acknowledges the cooperation that needs to exist between traditional and government institutions in ensuring that successful state-building takes place.

The study emphasised a post-colonial re-ordering taking place in Africa, as illustrated in Somaliland, where a blended or hybrid form of state-building has challenged, interacted and overlapped with Western thought and practice. The study further indicated that it would use the term 'Hybrid Political Order' as an alternative approach to state-building better suited to the unique internal dynamics and conditions in African states. In a Hybrid Political Order there is co-existence between non-state indigenous societal structures and introduced (Western) state structures. Therefore, this approach attempts to move away from the prescriptive and mostly externally driven and often incompatible Western dominated state-building practices, which opens a new approach and options for conflict prevention, development, and state-building. In several perceived fragile states, traditional actors (including clan leaders, religious leaders and traditional authorities) have performed core state functions in the leadership void that the absence of the state has created. Furthermore, the Hybrid Political Order approach focuses on the positive rather than the negative features of the fragile state and avoids highlighting weakness, failure and fragility but instead emphasises the good elements in traditional societies such as innovative adaptation and ingenuity. More importantly, the study reaffirmed the importance of community resilience and the influence of customary institutions as assets and sources of solutions for the formation of constructive partnerships between traditional societies and government institutions.

Additionally, the study stressed that what distinguishes legal-rational authority from traditional and charismatic authority is that it is associated with an office rather than an individual or tribal king, as individuals owe their obedience to an impersonal legal order. It's worth noting that the clan system that has dominated Somaliland's political landscape could be described as a traditional system of authority. After declaring its independence from Somalia, the clans in Somaliland played a significant role in forming a new government. This

hybrid state-building effort involved combining traditional forms of rule and authority with Western democratic institutions of rule (legal-rational approach) without any external support from the international community. Furthermore, it provided a platform to merge these two systems of domination in Somaliland. The state that possesses sovereignty and territory is regarded as equal to all other states regardless of size, population or economic and political power, but the right to earn sovereignty can only be bestowed on the state by other states in the international community (Brownlie, 1979: 73 – 76; Jackson & Rosberg, 1982; Jackson, 1990; Clarke *et al.*, 2019).

Bottom-up state-building in Somaliland was internally organised by local political elites and authorities, especially those whose contributions have traditionally been marginalised and with or without external assistance (Johnson & Smaker, 2014: 4 – 5; Phillips, 2016: 630). Regarding Somaliland, the bottom-up approach was culturally rooted, locally owned and therefore socially acceptable to the people in Somaliland (Hersi, 2018: 10). It was acknowledged that for an enduring peace to have longevity, Western (Weberian) state institutions still had to be an ingredient of this state-building recipe and often, the influence of external assistance is necessary to end large scale violence and prevent recurring conflict. However, external assistance through neo-liberal state-building had to be criticised for often being coercive and interventionist in following a blueprint 'one-applies-to-all' approach whilst the motivation for most of these interventions were strategic interests of foreign governments. It was further based on the liberal peace ideology, which argued that for lasting peace and prosperity to endure, neo-liberal values and norms had to be rapidly imposed in combination with Western state institutions. The latter projects ignored the engagement and participation of local populations and non-elites and further created tension between the international expectations of state legitimacy and good governance and how local experiences and perceptions interpreted this. It was emphasised that in post-war reconstruction, it was critical that the process had to involve the citizens of states that were most affected by the consequences of war to have participated in the type of peace they desired as well as the economic, political and governance system that would be most appropriate to the conditions that they faced. Although a daunting task that involved tending to damaged infrastructure institutions and the economy as well as the restoration of basic

service delivery, much of the success of these crisis management initiatives were in the hands of local actors (Boege *et al.*, 2009: 14; Burney, 2012: 143; Heleta, 2014: 67).

The study also addressed the dilemma of Somaliland's struggle for international recognition as a sovereign state. The discussion commenced by focusing on two types of statehood that deviated from standard states whose actions are bound by international law and enjoyed full internal sovereignty. The one group of states were internationally recognised as states (*de jure* statehood) but failed to collect taxes, provide at least basic services and infrastructure, and no longer exercised an overwhelming monopoly of force over its territory (*de facto* statehood). The fragile state discourse typically categorises this group of states according to the degrees to which they are unable to fulfil the requirements of *de facto* statehood. Somalia was probably the best and most extreme example of a state that has collapsed into disorder, where the government has lost control of its entire territory, except for the capital Mogadishu, often referred to as the most dangerous city in the world. The second group of entities displayed the ability to exercise executive, legislative and judicial power and security over their entire territory and provide services and infrastructure to its whole population (*de facto* statehood) but whose sovereignty is not recognised by other states (*de jure* statehood). States that acted like states hoping to become states have often been referred to as unrecognised, separatist or pseudo-states. However, the study preferred to refer to such entities (with specific reference to Somaliland) as *de facto* states. The latter had often originated as a result of the conflict that occurred during the latter part of the twentieth century when representatives of the *de facto* entity and those in the mother country were no longer able to resolve the issues that kept them apart in the first place, as was the case between Somalia and Somaliland. Because of this, Somaliland presented a stark illustration of the mismatch between internationally recognised sovereignty and what might be called statehood or the *de facto* ability to govern institutions to exert control and security over its territory. As an unrecognised state, Somaliland has managed to maintain relative peace as a region that forms part of recognised Somalia that is buckling under the strain of lawlessness and ungovernability. In comparison, Somaliland's civil society has made a commitment to peace and the rule of law, which has served as a deterrent to would-be criminals, warlords, and politicians seeking to exploit clan tensions (Arieff, 2008: 60; Hersi, 2018: 12; Hoch & Rudincová, 2015: 37 – 38; Keating, 2018:1).

This dilemma is to a large extent the result of many decades of unwillingness by the African Union (AU) and the Organisation of African Unity (OAU), its predecessor, to support the secession of regions from their mother country with their adoption of two Charters that acknowledged only the existence of colonial borders at the time of a state's independence. These sentiments were also shared by the Arab League, who regarded the unity and integrity of member states as sacrosanct. There was also an unwillingness from the international community, intergovernmental organisations and the UN because of the bad reputation of areas that have seceded and rather preferred the return of breakaway states to the administration of mother countries where they are granted wide autonomy within a federal type of system. By its seclusion, Somaliland has excluded itself from international deliberations, which have motivated the international community to support Somalia, in the hope that it would unify, rather than a secessionist region with no sovereignty (Arieff, 2008: 62 – 63; Harper, 2012: 3; Jama, 2017: 86).

The study concluded that the prospects of Somaliland gaining independence might be a possibility in future, but this will depend on several factors. The government of landlocked Ethiopia has, for instance, already shown interest in using the port of Berbera as a possible export alternative to Djibouti, on which it is dependent now. Furthermore, Somaliland has also started developing a mining industry that specialises in rare elements used to manufacture advanced electronic equipment (Rubin, 2019: 1). China has already made attempts to monopolise the rare elements market to deny the United States access. Chinese companies have been aggressive in seeking mining concessions in Somaliland, whilst Somalia rather relies on the United States and other western countries. Since the United States does not recognise Somaliland's sovereignty, it encourages its companies to do business in Somalia, which it regards as a legitimate state. Since China has none of these quals, it puts them in an ideal position to monopolise the rare elements market in Somaliland (Horton, 2019: 1). The previously good relationship between Somalia and the United Arab Emirates (UAE) has also deteriorated since the UAE has been involved in development projects in Somaliland to improve the port of Berbera to international standards. This, as well as Ethiopia's interest to use the port, has infuriated the government of Somalia. To add insult to injury, the UAE further committed itself to train Somaliland security forces by establishing a

military facility in Berbera (Kennard & Einashe, 2019: 1). Despite Somalia's hostility toward Somaliland, Ethiopia, and the UAE, a Somali government delegation led by President Farmajo met in Djibouti in June 2020 with a Somaliland delegation led by President Abdi. This occasion was historic because it was the first time since 1991 that delegations of Somalia and Somaliland had a face-to-face meeting. The meeting was made more significant by the attendance of Ethiopian prime minister Abiy Ahmed, an international delegation led by US Ambassador Donald Yamamoto, as well as representatives of the EU and AU. Although it was still early days to reach a mutually beneficial agreement, the Somalian and Somaliland delegations did agree not to politicise aid and investments. The urgency of the meeting was brought about because Somaliland declared independence in 1991 and has been unsuccessful in achieving international recognition as an independent state. Furthermore, since 1991, Somalia has been unable to establish a stable government in Mogadishu that could also exercise control over Somaliland, which created tensions between the two parties. Where states such as Ethiopia, Djibouti and the United States and transnational organisations such as the EU and the AU had different views on Somalia/Somaliland issues, they now tend to be more in agreement which would be advantageous to these talks. Further good news for Somaliland is that Somalia also declared that it would be more willing to make political and economic concessions to Somaliland.

The study highlighted that hybridity has recently received more attention as a useful conceptual tool to study non-conventional informal governance structures from those discourses that have studied areas and states characterised by conflict. It has become especially relevant from a constructivist perspective, focusing on diffusion and localisation (local ownership, participation and resilience) and its consequences in an arena dominated by a liberal international order. Even liberal and realist perspectives have shown some interest in a hybrid approach, although their main point of departure still focuses on a top-down, Western state-driven state-building process when intervening in conflict areas (Mac Ginty & Richmond, 2016: 219; Smith, 2014: 1510 – 1511). The previous chapter indicated that concepts such as clientelism, neo-patrimonialism and even warlordism could be regarded as forerunners to the eventual development of the Hybrid Political Order discourse.

The study argued that the Weberian form of statehood existed in very few states that were not members of the OECD. Furthermore, very few states in the 'rest of the world' (mostly states in the developing world) showed any resemblance to the Western state model. From the dominant Western perspective on state-building, the view remained that the state's authority had to be transplanted to post-colonial environments. In contrast, Hybrid Political Order scholars shifted the emphasis away from the notion that Western institutions of the state are the only superior and ultimate form of political order to one that incorporates both non-state indigenous societal structures and introduces conventional Western state structures. This reconceptualisation is a clear attempt to move away from the prescriptive and often incompatible nature of Western state-building practices to create alternative conflict prevention, development, and state-building opportunities. Much of the recent interest in a hybrid alternative, especially from scholars in peace and conflict studies, is due to the disillusionment with mainstream theory and policy-driven problem-solving approaches and its ineffectiveness towards resolving peace- and state-building issues in conflict areas. The illusion that liberal peace interventions would transform these states into liberal-democratic success stories seemed much harder to achieve than anticipated. Many peace- and state-building efforts were confronted by hostility from nationalist groups, greedy and corrupt government elites and stubborn traditional authorities whose world views were not compatible with these external interventions. Furthermore, some interventionist powers had their own vested interests (economically and politically) in the state that they were supposed to assist, which were not conducive for peaceful settlements that would also benefit local communities (Mac Ginty & Richmond, 2016: 222). The Hybrid Political Order discourse proposed a conceptual alternative to better explain and address these socio-political realities in developing states. In contrast to the approach followed by the fragile state discourse, HPO scholars follow a non-state-centric approach by not evaluating political phenomena in terms of their relation to the state. Additionally, the concept expresses no opinion on the efficacy of government arrangements and makes no recommendation regarding the mode of interaction between formal and informal bodies. This makes the Hybrid Political Order a less prescriptive approach. It also rejects teleological and essentialist arguments by rather focusing on an approach that is open to dynamic change. The concept of Hybrid Political Order has a much broader focus than any of the other hybridity concepts (neo-patrimonialism, clientelism, and warlordism) that preceded it and focused on the role of non-state informal

institutions. The broad focus is ascribed to not limiting itself to specific social fields or types of interaction between formal and informal institutions. In contrast to HPO, the other concepts were narrowly constructed and focused on a particular aspect of hybridity rather than the whole and still argued from a strong state-centric position (informal institutions were analysed in terms of their relations with formal institutions) (Kraushaar & Lambach, 2009: 14 - 15).

The study further cautioned against not blindly romanticising the role of customary or traditional authorities as faultless and perfect as they also displayed their own limitations. They often tended to be reactionary and discriminatory towards women and the youth. Simultaneously, their authority rarely extended beyond their own ethnic, tribal, or clan group, with their responsibilities frequently limited to a few specific legal, political, and social issues. Conflicts between the traditional and legal-rational spheres frequently culminated in traditional authorities misusing national funds for their clan group's self-enrichment. Given that no system is perfect, the HPO discourse has emphasised the potential for constructive accommodation of various forms of legitimacy and hybridity as a springboard for the development of new forms of state in which strong social relationships, high social resilience, and effective, legitimate institutions coexisted. Even in Somaliland, the relations between formal and informal has not always been in balance as non-state actors were often unwilling to perform tasks normally associated with the state. Even more concerning were those traditional authorities who were willing to perform government work but lost contact with and legitimacy within their constituencies as they became more involved in functions outside their competencies and/or became corrupted by prominent politicians. The latter is referred to as a crippled hybrid, in which neither state nor traditional institutions function optimally and instead exert a negative influence on one another (Hoehne, 2013: 200).

With the aforementioned in mind, the study focused on an evaluation of hybrid state-building in Somaliland. Readers were reminded that the Hybrid Political Order discourse brought a new dimension to the art of state-building, emphasising the importance of the role of traditional authorities in the institutional make-up of the state. It has been less successful in elucidating the precise conditions under which these orders emerge and the direction in which they would evolve over time. Additionally, the discourse has failed to raise concerns

about power imbalances between the various partners in a Hybrid Political Order. The study argued that power imbalances were normal in Hybrid Political Orders, as was illustrated in Somaliland (Hoehne, 2013: 204). Here, hybrid state-building was most successful even before the Boroma conference in 1993 when traditional authorities facilitated conflict mediation and peacebuilding from different clan groups. Many of them were former enemies of one another during the civil war. But it was the institutionalisation of the House of Elders (*Guurti*) into the government structure that could be regarded as the greatest political achievement of clan leaders and the crowning achievement of their political power. This, however, also introduced a period where governance based on traditional authority and consensus seemed to have outlived its usefulness. As President Egal's power increased and the transition to a liberal-democratic system began, the Hybrid Political Order became unbalanced to the other extreme. As Guurti members became more urbanised and involved in government activities, they began to neglect their elderly responsibilities and lost touch with their traditional constituencies. Additionally, they were political pawns of successive presidents, and the less-than-transparent relationship between the presidency and the Guurti proved to be a significant impediment to the democratic process. By 2004, the government's elders had devolved into 'willing executors' of presidential decrees, and by repeatedly deferring presidential elections, they had marginalised and weakened the country's constitution. The preceding demonstrated that Hybrid Political Orders are almost never balanced and frequently become imbalanced, with one side gaining power over the other via formal or informal institutions. The study argued that Somaliland exemplified how a traditional system based on local communities and customary law and Western state institutions based on democratic principles and statutory law merged at best for convenience and was largely a temporary arrangement. In the case of Somaliland, the Guurti became vulnerable to manipulation and corruption once they became the weaker partner. The study supported the argument that Somaliland was a crippled hybrid order that promoted neither effective democracy nor traditional governance, but rather undermined both. Furthermore, it was argued that while hybrid state-building was effective in assisting Somaliland's transition from a war-torn or extremely fragile context to a more stable form of political existence, once this was achieved, it appeared to lose its utility (Hoehne, 2013: 200; Hashi, 2005; Heleta, 2014: 75; Menkhaus, 2006/07: 92).

7.5   EXPLAINING THE LIMITATIONS OF THE STUDY

Unfortunately, for most scholars and practitioners within the Western development and peacekeeping perspective, the idea of a hybrid alternative to current practices have not yet taken root (Mac Ginty & Richmond, 2016: 222; Moe, 2011: 146 – 147; Smith, 2014: 1509). From their point of departure, hybridity is perceived as a threat to current peace- and state-building dogma. It proposes moving away from establishing Western state institutions and opting for a more blended approach that acknowledges the co-existence of multiple governance structures. The study emphasised that the Hybrid Political Order discourse can be broadly divided into two approaches. The first approach followed a bottom-up strategy that involves the participation of traditional structures of authority in the make-up of government institutions to transcend (but not completely replace) the Weberian notion of the state. It argued that states were usually intertwined in 'messy' politics in the aftermath of conflict, which made the empowerment of the locals much more important as contributors in the reconstruction of the state. This approach has, however, been largely ignored by peace- and state-building perspectives. The second, and less progressive approach, views hybrid state-building as a process of co-option, organisation and direction under the auspices of international organisations as well as states that are involved in these efforts. Iraq and Afghanistan are examples of where liberal interventionist strategies (to uphold liberal mores of shifting responsibility and lowering intervention costs) have been followed. This approach, therefore, still adhered to a top-down strategy as most of the peace- and state-building efforts were organised externally by state and non-governmental organisations, which allowed for very little involvement and influence from informal local communities. The view displays disturbing similarities to the liberal imperialism of the past, which proposed different forms of trusteeship to manage native populations. The second view is criticised because it involves little interaction or influence from traditional institutions since the organisation of such state-building efforts is initiated by external actors. The Hybrid Political Order approach discussed in this study can be categorised under the first approach, which follows a top-down strategy and involves the empowerment and active participation of traditional local authorities in unison with Western state institutions (Mac Ginty & Richmond, 2016: 219 - 220).

If hybridity were to be positioned on a continuum of state-building literature, the one end would represent a view that interprets the hybrid approach in simplistic terms as nothing more than merging two contrasting political systems into a third system. This view has an ethnocentric point of departure and promoted the Western democratic state as the positive norm while referring to hybrid institutions in negative terms as non-traditional and defiant. The opposite end of the continuum promoted the idea that hybridity could be an analytical tool and questioned the application of the Western form of a democratic state in developing states. It does not reject the presence of Western institutions but argues that there needed to be equal opportunities for traditional local institutions in the system of governance. A third perspective occupies the middle ground on the continuum of literature, therefore sitting in-between the other two ends and regards hybrid institutions and practices as an essential part of any state-building efforts. The main purpose of this view is to instrumentalise hybridity by empowering local actors to serve liberal international goals. It still followed a top-down approach in terms of the organisational involvement by external actors to save liberal peacebuilding efforts by using a Western Hybrid Political Order approach. The third perspective is accused of often involving itself in partisan cooperation with favourable local groups and power holders whilst maintaining an attitude of Western righteousness by questioning the legitimacy of local institutions. It is further criticised for having a limited understanding of hybridity as an analytical tool. From the above discussion, it was concluded that the policy interest in hybridity tended to follow two broad directions: it took a more academic approach that considered academic insight (and acknowledged its potential as an analytical tool), while the other considered the term Hybrid Political Order as merely a trendy and fashionable concept. In other words, it was a diluted version of the liberal peace agenda that remained the foundation on which the neo-liberal state was to be formed (Mac Ginty & Richmond, 2016: 224 – 225). By emphasising the Hybrid Political Order approaches and their different positions on the continuum of state-building literature, the study attempted to highlight the divisions within this discourse. These divisions can be problematic for the Hybrid Political Order perspective (and its pursuit of finding a non-state-centric alternative) to be recognised as an acceptable approach to state-building. The discourse is less likely to be accepted as a post-Western alternative if it is divided between state-centric and non-state-centric approaches.

A key to the success of hybrid state-building lies in the configuration of relationships between different actors who are all expected to make certain compromises despite existing power relations when they are, for instance, placed at a lower status than governing elites and international actors who, on their part, also need to make similar compromises. When a situation is reached where international actors and local leaders (formal and informal) achieve translation, accommodation, or equilibrium, this is referred to as hybrid peace. During the latter, positive hybridity is achieved, which is emancipatory and socially just if it successfully manages to resolve issues created by existing power relations. Suppose such an outcome can, however, not be achieved. In that case, negative hybridity may result, in which existing power structures and hierarchies are conceptualised in such a way that they lean excessively toward the preferences of internationals, state elites, or global capital, and are thus contaminated by direct, structural, and governmental power (Smith, 2014: 1510). As hybrid state formation is approached using a bottom-up strategy, local authorities and communities become the drivers of the constitution of social order. This is in stark contrast to the West's negative and suspicious attitude towards hybridity mainly because they do not have a good understanding of the roles of traditional societies and therefore display an inability to comprehend anything that falls outside of the scope of institutionalised Western government institutions to remedy state fragility (Lottholz & Lemay-Hébert, 2016: 11).

In order to further highlight the limitations of the research topic, the focus was placed on the critique of the hybrid political discourse. It was first emphasised that because HPO is a recent concept, scholars and practitioners had to be cautious not to uncritically institutionalise the concept's practicality and implications into peace- and state-building endeavours as that would be short-sighted and potentially risky. Although some scholars of state-building policies have found the hybrid approach useful as a means of managing the relationships between international, national and locals, and even though the UN and EU have invested heavily in hybrid courts and transitional justice mechanisms, critics have warned against instrumentalising Hybrid Political Orders by using it as a 'halfway stop' somewhere between traditional and modern politics. Care had to be taken not to romanticise the role of the often-adverse motives and actions of ostensibly auspicious local actors. Peace and development scholars were further accused of over-using and under-conceptualising the term hybridity. The latter is often used as a synonym for what the fragile state discourse regard as the

mediated state. Since this discourse argued from a state-centric approach, the term hybridity can therefore not be used to describe a concept that follows a strong non-state-centric approach (Boege *et al.*, 2009c: 87 -88; Mac Ginty & Richmond, 2016: 227). In his criticism, Bjoern Hofmann (2009) raised the concern that since Hybrid Political Order is not a uniform discourse, the characteristics of hybrid state-building would be determined by the circumstances in which it has to operate; thus, the possibility of two Hybrid Political Orders being the same, is nearly impossible. This would give the hybrid discourse no other choice but to differentiate between different types of hybrid state-building, just as the fragile state discourse has done with its classification of different degrees of failure. Therefore, adherents of the Hybrid Political Order discourse are faced with the same dilemma as those in the fragile state discourse – a scope that is too broad and conceptually confusing. This puts the hybrid discourse in a difficult position. It has been critical of the classification models used by the fragile state discourse that it now must implement itself to make sense of different conditions under which hybrid state-building can occur. The hybrid discourse has also been severely criticised because it idealises the positive role of non-state customary and traditional authorities who are, in some circumstances, not always law-abiding structures. This can be very destructive to any efforts of successful state-building. The activities of warlords and other criminal elements have been detrimental to efforts of harmonising the working relations between the state and traditional authorities (Boege *et al.*, 2009c: 88). Adherents of the Hybrid Political Order discourse acknowledged that this presented a dilemma as the main issue was what had to be done in cases where customary structures had been severely damaged or even destroyed and where criminal gangs and warlords had taken over. Their proposed solution was that each specific context required a very specific analysis to determine whether there were ways to influence the spoilers and attempt to reconstruct the social cohesion by cooperating with traditional authorities. They, however, acknowledged that this would be easier said than done (Boege *et al.*, 2009c: 90).

As the case of Somaliland indicated, hybrid state-building has not occurred according to how Boege (2009) and his associates have envisioned it. From their Hybrid Political Order perspective, state-building should involve the participation of both traditional authorities and Western state institutions in the formation of a government where they are equal partners in a permanent arrangement. As discussed earlier, this would involve a situation where formal

and informal institutions achieve translation, accommodation, or equilibrium and are called hybrid peace. The idea of this arrangement is to guarantee that citizens living under the authority of traditional leaders are fully represented in government. As the study argued in Chapter 4, Western state-building exercises driven by external actors often involve the institutionalisation of Western government structures that are alien and distant for people living under the authority of traditional institutions. These traditional authorities are rarely consulted in state-building initiatives and therefore excluded from the process that affects their futures and livelihoods. The study argued that Hybrid Political Orders are almost never balanced and frequently become imbalanced, with one side – either formal or informal institutions – gaining power over the other. Despite Hybrid Political Order's assertions that its contribution contributes to Africa's democratic consolidation, the case of Somaliland demonstrated that the traditional system based on local communities and customary law and the state based on democratic principles and statute law merge at best for convenience and on a temporary basis. Once the House of Elders (representing traditional authorities) became the weaker of the two parties, they became vulnerable to corruption and eventually used their constitutional powers to spoil the political system. Taking the foregoing into account, the study concluded that Somaliland's case could be described as a crippled hybrid order that advanced neither effective democracy nor traditional governance but undermined both the Western-oriented state and the traditional indigenous system. As a result, the ideal of hybrid peace was not realised.

7.6   SUGGESTIONS FOR FURTHER RESEARCH

The study found its relevance in the opinion of Prof Hussein Solomon (2013) for the need to have a more post-Western, more inclusive kind of theorising, especially regarding theories of the state and the need to investigate alternatives other than state-centric approaches. Theories of the state, state-building and the issue of the fragile state are currently still dominated by this state-centric point of departure. In this study, the main goal was to pursue a post-Western and less state-centric research direction, be that on a very limited scale. Since current theories on the state are still dominated by the idea that a troubled state or region should be reconstructed or remedied through top-down Western state-building intervention, the possibilities for further research on alternative forms of state-building is endless. The main motivation for pursuing the study of Hybrid Political Orders is that it is a relatively new

and yet unfamiliar field of study. Although other forms of revisionist perspectives such as neo-patrimonialism, ungoverned spaces, mediated states, twilight institutions and neo-Weberian institutionalism have been extensively researched, the study argued that they were limited in their scope and still tended to have a state-centric point of departure. In contrast, Hybrid Political Orders is an attempt at developing a more all-encompassing and less state-centric understanding of the role of informal, traditional institutions in a political reality that traditionally have only recognised the role of formal state institutions. The majority of research on Hybrid Political Orders has been done by Volker Boege and his associates from the Centre for Peace and Conflict Studies. As indicated in Chapter 5, few other scholars have done significant research on issues of hybridity. This could serve as an encouragement to scholars who have an interest in pursuing ideas on the state and state-building that moves in a post-Western and less state-centric direction.

As the study indicated in Chapter 4, another perspective that has recently made contributions within the revisionist school of thought is political anthropology. The importance of incorporating political anthropology into political science is highlighted by the fact that state-centric modes of conflict resolution on the African continent often result in failure because traditional institutions and the critical role that they could have played have never been considered. Political anthropology could therefore make a valuable contribution to our understanding of the internal dynamics and complexities of the assumed government void that is created in fragile states by focusing on the social and political aspects of a society and their connections. The study briefly focused on the contribution of Francis Fukuyama, who, in his work *The Origins of Political Order* (2012), combined aspects of anthropology, social biology and history and political science in his search for the origins of modern government. Since the study did not make an in-depth analysis of political anthropology or traditional authorities, this opens up possibilities for scholars and researchers to focus on a political-anthropological point of departure to analyse the role and significance that traditional authorities could play as equal and important partners in post-Western state-building initiatives.

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