

# Discarding the Failed State Thesis: Neo-Weberian Institutionalism as an Alternative Approach to Policy Formulation

Hussein SOLOMON\*

## Abstract

*States are the only contemporary political organisations that enjoy a unique legal status under International Law – sovereignty – and do play a major role in the creation and modification of all other public international entities. States exist to provide a decentralised method of delivering political (public) goods to the citizens living within its designated territory, and states are assumed as “failed” when they can no longer deliver these goods, such as security. It is argued that the categorisation of states as either functioning or failing by donors and policymakers is reductive, non-contextualised and ahistorical, resulting in a monolithic coat being thrown over disparate problems that require tailored solutions. Countering the limitations of the failed state thesis, this article draws on neo-Weberian institutionalism, characterised by the state’s capacity to provide political goods to its citizens based on its perceivable legitimacy, to provide an alternative approach to policy formulation utilising Somalia since 1991 as a case study.*

**Keywords:** Failed states; Neo-Weberian institutionalism; Somalia; Security; Political Goods; Africa

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## Başarısız Devlet Tezini Iskartaya Çıkarmak: Politika Yapımına Alternatif Bir Yaklaşım Olarak Neo-Weberyan Kurumsalcılık

### Özet

*Devletler, Uluslararası Hukuk altında benzersiz bir yasal statüye sahip tek çağdaş politik örgütlerdir ve tüm diğer uluslararası kamu kuruluşlarının oluşturulması ve değiştirilmesinde önemli bir rol oynarlar. Devletler, kendi belirlenmiş topraklarında yaşayan vatandaşlarına*

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\* Professor Hussein Solomon lectures in the Department of Political Studies and Governance at the University of the Free State, South Africa. He acknowledges the generous financial support from the National Research Foundation (NRF) which made this publication possible. He, however, takes full responsibility for the contents of this article, solomonh@ufs.ac.za

*kamu hizmeti sağlamak amacıyla var olurlar ve örneğin güvenlik gibi, kamu hizmetlerini sağlayamadıklarında 'başarısız' olurlar. Devletlerin, donörler ve politika yapıcılar tarafından, işleyen ya da başarısız olarak sınıflandırılmasının indirgemeci, bağlamsız ve tarihdışı oluşunun, uygun çözümlere ihtiyaç duyan birbirinden farklı sorunların tektip bir "ambalajla" sonuçlanmasına sebep olduğu iddia edilmektedir. Başarısız devlet tezinin sınırlamalarını göz önünde bulunduran bu çalışma, devletin meşruluğuna dayanarak vatandaşlarına kamu hizmeti sağlayan devlet kapasitesiyle şekillendirilmiş Neo-Weberyan kurumsalcılık üzerinde durmakta ve örnek çalışma olarak da 1991'den bu yana Somali'deki politika yapımına alternative bir bakış açısı getirmektedir.*

**Anahtar Kelimeler:** Başarısız devlet, Neo-Weberyan kurumsalcılık, güvenlik, Somali, kamu hizmeti

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## Introduction

States today are much more varied in their capacity and capability than they once were<sup>1</sup>. They are more numerous than they were half a century ago, and the range of their population sizes, physical endowments, wealth, productivity, delivery systems, ambitions and attainments is subsequently much more extensive than ever before. The rise and fall of nation-states is not new, but in the modern era when nation states constitute the building blocks of a supposedly legitimate world order the violent disintegration and conspicuous weakness of selected African, Asian, Oceanic and Latin American states threaten the very foundations of that system<sup>2</sup>.

Failed states have been described variously as those that "*can no longer perform the functions required for them to pass as states*<sup>3</sup>;" those that "*cannot or will not safeguard minimal civil conditions for their populations: domestic peace, law and order, and good governance*<sup>4</sup>;" and those in which "*public authorities are either unable or unwilling to carry out their end of what Thomas Hobbes termed the social contract*<sup>5</sup>". It is argued that the categorisation of states as either functioning or failing by donors and policymakers is reductive, non-

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1 Robert I. Rotberg, 'Failed States, Collapsed States, Weak States: Causes and Indicators', in Robert I. Rotberg (ed.), *State Failure and State Weakness in Time of Terror*, (Washington D.C.: Brookings Institution Press, 2003), p. 2.

2 *Ibid.*, p. 1.

3 I. William Zartman, 'Introduction: Posing the Problem of State Collapse', in I. William Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, (Boulder: Lynne Rienner Publishers, 1995), p. 5.

4 Robert H. Jackson quoted in Jonathan Hill, 'Beyond the Other? A postcolonial critique of the failed states thesis', *African Identities*, Vol. 3, No. 2, 2005, p. 145.

5 Jean-Germain Gros, 'Towards a taxonomy of failed states in the new world order: Decaying Somalia, Liberia, Rwanda and Haiti', *Third World Quarterly*, Vol. 17, No. 3, 1996, p. 456.

contextualised and ahistorical, and Charles Call argues that it results in a monolithic coat being thrown over disparate problems that require tailored solutions<sup>6</sup>.

Neo-Weberian institutionalists offer an alternative approach by providing a more complex literature on state failure, weakness and fragility, with their principle premise focussing on state capacities<sup>7</sup>. It is the explicit aim of this article to analyse the failed states phenomenon from a neo-Weberian institutionalist perspective, with their premise based on Max Weber's definition of statehood<sup>8</sup>, in terms of the empirical capabilities of the dominant corporate group in the state to provide political goods, which in turn is grounded in the concept of positive sovereignty – the state proactively providing its citizens needs. In doing so, the article will highlight the limitations of the failed states thesis, especially pertaining to African states, and provide an effective policy response to state failure in the post-9/11 world order by utilising the case of Somalia.

### **The origins of the modern inter-state system**

For many centuries, societies and smaller groups have endeavoured to form organisations that provide them with security, access to resources, social rules and means of continuity<sup>9</sup>. There are many different ways of typifying the overall international structure and pattern of relations among these political communities, and many theoretical perspectives have evolved over the centuries in a desperate attempt to account for and explain these different interactions and relations<sup>10</sup>. Modern international society comprises the norms, rules, established practices and institutions that govern the relations among sovereign states. Armstrong suggests that a sovereign state may be defined as a community occupying a defined ter-

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6 Charles T. Call, 'The Fallacy of the "Failed State"', *Third World Quarterly*, Vol. 29, No. 8, 2008, p. 1495.

7 Mxolisi Notshulwana, 'State fragility in Africa: Methods chasing problems, or problems chasing methods in political discourse', *International Journal of African Renaissance Studies*, Vol. 6, No. 2, 2011, p. 84.

8 Max Weber, *The Theory of Social and Economic Organization*, (United States of America: The Free Press, 1964), p. 56.

9 Kalevi J. Holsti, *Taming the Sovereigns: Institutional Change in International Politics*, (Cambridge: Cambridge University Press, 2004), p. 28.

10 David Armstrong, 'The evolution of international society', in John Baylis, Steve Smith and Patricia Owens (eds), *The Globalization of World Politics: An Introduction to World Politics*, (Oxford: Oxford University Press, 2008), pp. 36-52.

ritory within which it is able to exercise juridical independence<sup>11</sup>. Thomson also defines a state as a set of political institutions that govern within a delimited territory<sup>12</sup>.

The Peace of Westphalia (1648) is still regarded as one of the most important multilateral treaties concluded in international relations to date. Although it was originally created to bring an end to the Thirty Years War in Europe through the signing of the Treaties of Münster and Osnabruck, it is often also referred to as the founding date of the modern state system<sup>13</sup>, with ideas, practices and norms of modern statehood and sovereignty fused in the two treaties<sup>14</sup>. Although some authors, notably Stephen Krasner<sup>15</sup> and Andreas Osiander<sup>16</sup>, propagate that a misinterpretation of the sovereignty principles enshrined in the Peace of Westphalia led to an erroneous conception of the origins of the contemporary inter-state system, characterised by the Westphalian sovereign state model and respect for non-intervention, this article ascribes to the general understanding that the inter-state system as we know it in contemporary International Relations parlance emerged from Europe during the seventeenth century<sup>17</sup>.

In the wake of the crumbling of the Ottoman and Austro-Hungarian empires in 1914, fifty-five recognised national polities came into existence. By the end of the First World War in 1919, there were fifty-nine states and the number had reached sixty-nine soon after the Second World War in 1950. A decade later, after the attainment of independence in much of Africa, there were ninety national polities recognised as states. After many more African, Asian and Oceanic territories gained independence, and due to the implosion of the Soviet Union, the number of states leaped to 191; and if one considers Taiwan as an independent state from China, the current number of recognised states stands at 196<sup>18</sup>. In the past century,

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11 *Ibid.*, p. 29.

12 Alex Thomson, *An Introduction to African Politics*, 2<sup>nd</sup> edition, (New York: Routledge, 2009), p. 4.

13 Armstrong, 'The evolution of international society', p.34.

14 Holsti, *Taming the Sovereigns: Institutional Change in International Politics*, p.42.

15 Stephen D. Krasner, 'Rethinking the Sovereign State Model', in Michael Cox, Tim Dunne and Ken Booth (eds), *Empires, Systems and States: Great Transformations in International Politics*, (Cambridge: Cambridge University Press, 2001), pp. 17-34.

16 Andreas Osiander, 'Before Sovereignty: Society and Politics in *ancien regime* Europe', in Michael Cox, Tim Dunne and Ken Booth (eds), *Empires, Systems and States: Great Transformations in International Politics*, (Cambridge: Cambridge University Press, 2001), pp. 119-147.

17 Colin Warbrick, 'States and Recognition in International Law', in Malcolm D. Evans (ed.), *International Law*, (Oxford: Oxford University Press, 2003), p. 205.

18 *United States of America Department of State*, Independent States in the World, Bureau of Intelligence and Research, 2012, <http://www.state.gov/s/inr/rls/4250.htm>, (accessed: May 3, 2013).

therefore, international politics has experienced a sea-change – from primarily resembling the interactions between empires and kingdom to primarily being concerned with the interaction of nation-state actors.

### **The modern state's unique legal status under International Law**

Holsti states that statehood is the idea of a state that provides it with its institutional form<sup>19</sup>. This means that if an entity claiming to be a state fulfils all of the required criteria for the qualification of statehood<sup>20</sup>. Definitions of the state have varied widely and can be regarded as an abstract entity. States possess a legal persona of their own which means that they naturally have rights and duties under International Law<sup>21</sup>.

Despite the fact that legal statehood presupposed certain duties of states, it was (and probably still is) a status worth having and was pursued by many entities even only controversially satisfying the characteristics for being a state<sup>22</sup>. Entities that fulfil the international legal criteria for statehood are entitled to claim to be states and subsequently are entitled to general rights, privileges and immunities. Although the acceptance of a new state into the international community by means of recognition by the existing states could be politically motivated, certain factual criteria for the qualification of statehood have been adopted under International Law<sup>23</sup>. The best known formulation of the basic criteria for statehood is contained in Article 1(1) of the 1933 Montevideo Convention, which declares that<sup>24</sup>:

*The State as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other States.*

States are the only contemporary political organisations that enjoy a unique legal status – sovereignty – and are instrumental in the creation and modification of all other public international institutions<sup>25</sup>. Within the failed state literature, the decisive criterion of success rather than failure

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19 Holsti, *Taming the Sovereigns: Institutional Change in International Politics*, p.29.

20 Alina Kaczorowska, *Public International Law*, 4<sup>th</sup> edition, (Oxon: Routledge, 2010), p. 177.

21 Martin Van Creveld, *The Rise and Decline of the State*, (Cambridge: Cambridge University Press, 1999), p. 1.

22 Warbrick, 'States and Recognition in International Law', p. 205.

23 John Dugard, *International Law: A South African Perspective*, 3<sup>rd</sup> ed, (Cape Town: Juta, 2008), p. 82.

24 Quoted in James Crawford, *The Creation of States in International Law*, (Oxford: Clarendon Press, 1979), p. 36.

25 Holsti, *Taming the Sovereigns: Institutional Change in International Politics*, p. 28.

is based on the state's possession of positive sovereignty<sup>26</sup>. The concept of positive sovereignty is most closely associated with Robert Jackson and is based in turn upon Max Weber's ideal state. According to Jackson then,

*positive sovereignty...presupposes capabilities which enable governments to be their own masters: it is a substantive rather than a formal condition. A positively sovereign government is 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*<sup>27</sup>.

A successful state, therefore, does not only enjoy international legal or *de jure* recognition of its statehood but the government and organs of the state also possess the capabilities to project and protect their authority throughout the entirety of its sovereign territory and consequently enter into collaborative arrangements with other states<sup>28</sup>. It is exactly this ability of the government and organs of a state to exert their authority and enter into international relations with other states that result in them acquiring *de facto* statehood too, distinguishing them from negatively sovereign states. If positive sovereignty is defined as a substantive rather than a formal condition, then negative sovereignty can be said to represent its exact opposite. Jackson defines negative sovereignty as "*freedom from outside interference: a formal-legal condition*" but nothing else<sup>29</sup>. Strong states are characterised by positive sovereignty, and conversely weak states are characterised by negative sovereignty. In short, the sovereignty of positively sovereign (or successful) states is both *de facto* and *de jure*, whereas the sovereignty of negatively sovereign states is solely *de jure*.

States exist to provide a decentralised method of delivering political (public) goods to the citizens living within its designated territory<sup>30</sup>. Political goods may be defined as those intangible and hard to quantify claims that citizens used to make on sovereigns before the birth of the modern state characterised above, and now make on the state<sup>31</sup>. They encompass

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26 Jonathan Hill, 'Beyond the Other? A postcolonial critique of the failed states thesis', *African Identities*, Vol. 3, No. 2, 2005, p. 146.

27 Robert H. Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World*, (Cambridge: Cambridge University Press, 1990), p. 29.

28 Hill, 'Beyond the Other? A postcolonial critique of the failed states thesis', p. 146.

29 Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World*, p. 27.

30 Rotberg, 'Failed States, Collapsed States, Weak States: Causes and Indicators', p. 2.

31 *Ibid.*, p. 3.

expectations, conceivable obligations, inform the local political culture and combined give content to the social contract between the ruler and the ruled that is at the core of regime/government and citizenry interactions<sup>32</sup>. Rotberg argues that strong states may be distinguished from weak ones, and weak states from failed or collapsed states according to their performance – according to the levels of their effective delivery of most crucial political goods - based on their possession of positive sovereignty<sup>33</sup>.

### **The failed state thesis**

Failed states have been described variously as those that “*can no longer perform the functions required for them to pass as states*”<sup>34</sup>,” those that “*cannot or will not safeguard minimal civil conditions for their populations: domestic peace, law and order, and good governance*”<sup>35</sup>,” and those in which “*public authorities are either unable or unwilling to carry out their end of what Hobbes called the social contract*”<sup>36</sup>”. Despite their succinctness in describing an exceedingly complex phenomenon, it is at least possible to identify two central elements common to each of these definitions. The first is the identification of failed states as being either unable and/or unwilling to perform the functions that they should, and the second is a definition of what these functions are, namely the provision of welfare, law and order, and security<sup>37</sup>. The concept failed state thesis is used in this article to refer to both a particular explanation about socio-political crisis and to the body of literature in which this argument is made and developed.

The concept of state failure came to prominence in the early 1990s, with the case of Somalia, which played a crucial role in shaping analysts’ and scholars’ thoughts about states and state failure<sup>38</sup>. Joel Migdal’s *Strong Societies and Weak States* (1988), is considered as a pivotal work within the early development of the failed states thesis<sup>39</sup>. Migdal’s study examined state capabilities in relation to what tasks a state needs to carry out. He

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32 J. Roland Pennock, ‘Political Development, Political Systems, and Political Goods’, *World Politics*, Vol. XVIII, 1966, p. 433.

33 Rotberg, ‘Failed States, Collapsed States, Weak States: Causes and Indicators’, p. 2.

34 Zartman, ‘Introduction: Posing the Problem of State Collapse’, p. 5.

35 Jackson quoted in Hill, ‘Beyond the Other? A postcolonial critique of the failed states thesis’, p. 145.

36 Gros, ‘Towards a taxonomy of failed states in the new world order: Decaying Somalia, Liberia, Rwanda and Haiti’, p. 456.

37 Hill, ‘Beyond the Other? A postcolonial critique of the failed states thesis’, p. 145.

38 Call, ‘The Fallacy of the “Failed State”’, p. 1492.

39 Hill, ‘Beyond the Other? A postcolonial critique of the failed states thesis’, p. 145.

then evaluated Third World states' capabilities within the context of the tasks it needs to undertake. For Migdal, capabilities of states include "the capacities to penetrate society, regulate social relationships, extract resources, and appropriate or use resources in determined ways. Strong states are those with high capabilities to complete these tasks, while weak states are on the low end of a spectrum of capabilities"<sup>40</sup>.

Jackson argues that the concepts of negative sovereignty and state failure have only been made possible due to the emergence of a 'new sovereignty game' in the post-Second World War period<sup>41</sup>. This new phenomenon emerged as a result of new normative regulations within the international system, resulting in colonial territories gaining independence in the name of national self-determination, despite the populations of these territories not actually conforming to conventional definitions of a nation<sup>42</sup>. The concept of self-determination assumed a very different meaning to that which it possessed prior to the Second World War – the self referring to a nation which was defined by its political traditions and/or ethnic distinctiveness – now referring to "artificial ex-colonial 'jurisdictions' which were multi-ethnic entities"<sup>43</sup>. Jackson's argument is that the United Nation'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, resulted in the possibility of state failure based on negative sovereignty.

The orthodox interpretation of the failed state thesis is closely linked to a view of the modern inter-state system that assumes that all states are essentially alike and therefore function in similar ways<sup>44</sup>. Based on the preceding discussions, a state is regarded as successful if it possesses positive sovereignty enabling it to provide a range of the most crucial political goods to its citizenry, which in turn increases the legitimacy of the ruling elite, thereby decreasing the probability of state failure. Underpinning each of the descriptions of a failed state discussed thus far, therefore, are predetermined definitions of what constitutes a non-failed or successful state, of what it is that failed states are failing to be.

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40 Joel S. Migdal, *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World*, (Princeton: Princeton University Press, 1988), p. 4.

41 Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World*, p. 27.

42 Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World*, p. 77.

43 *Ibid.*, p. 77.

44 Morten Bøås and Kathleen M. Jennings, "'Failed States' and 'State Failure': Threats or Opportunities?", *Globalizations*, Vol. 4, No. 4, 2007, p. 477.

### **The limitations of the failed state thesis**

States considered to be functioning are perceived as legitimate actors and worthy recipients of Western donor assistance, whereas those unable or unwilling to function according to the standard template tend to be regarded with some suspicion. Charles Call laments that the narrow categorisation of states as either functioning or failing by donors and policy-makers results in universal responses being applied to disparate problems requiring tailored solutions<sup>45</sup>. Call identifies three major deficiencies of the failed state thesis<sup>46</sup>.

*Excessive aggregation of diverse states and cookie-cutter prescriptions for 'stronger states'*

The most serious problem with the failed state thesis is the problem of definition, and more specifically of super-aggregation of very diverse sorts of states and problems<sup>47</sup>. The annual Failed State Index (2012) published in collaboration with the Fund for Peace in *Foreign Policy* magazine includes 41 sub-indicators of state failure, grouped into 12 categories, as diverse as<sup>48</sup>:

- Pressures deriving from high population density;
- History of aggrieved communal groups based on recent or past injustices;
- 'brain drain';
- Institutionalised political exclusion;
- A drop in GNP;
- The appearance of private militias or guerrillas;
- Increased corruption;
- Higher poverty rates for some ethnic groups;
- Human rights violations;
- Fragmentation of ruling elites based on group lines, etc.

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45 Call, 'The Fallacy of the "Failed State"', p. 1495.

46 *Ibid.*, p. 1494-1500.

47 *Ibid.*, p. 1494.

48 The 2012 Failed States Index, *Fund for Peace and Foreign Policy*, <[http://www.foreignpolicy.com/failed\\_states\\_index\\_2012\\_interactive](http://www.foreignpolicy.com/failed_states_index_2012_interactive)> (accessed May 3, 2013).

The top 10 states on the 2012 Failed States Index include those as diverse as Somalia, the Democratic Republic of the Congo, Zimbabwe, Afghanistan, Haiti, Yemen and Iraq. Given that the symptoms range from poverty to civil war to ethnic diversity to religious fundamentalism and displacement, the idea that a single remedy applied to the same state institutions will cure all problems is flawed. The failed state thesis has led the Western policy community to apply a blunt instrument of neoliberal structural adjustment packages to states with three million citizens (e.g. Liberia) or 200 million (Indonesia), to strong states with limited areas out of control (Colombia) as much as to weak and legitimate states with low capacity but high legitimacy (East Timor) or predatory states deliberately looting the state for personal or corrupt ends (Charles Taylor's Liberia)<sup>49</sup>. Just as the failed state thesis cobbles diverse states together, it tends to lead to a single prescription for diverse maladies – more order – privileging policies that will reinforce order and stability instead of prescribing diverse and tailored solutions to the contextualised problems of failed states.

#### *Dodging democracy and democratisation*

The focus of the failed state thesis on building stronger states obscures another important issue: regimes and their nature<sup>50</sup>. For those concerned primarily with order, the discourse of states and state building helps to avoid thorny issues of democratisation, representation, horizontal accountability and transparency. The cases of post-war democratisation in Haiti, Bosnia, Kosovo, Cambodia and Liberia, for instance, weakened optimism of liberal interventionists about the ability of democracy to take root in heavily internationalised operations after war. In societies where ethnic groups exist in tension or hold disproportionate economic and political power, or where elites have long exploited the populace without any accountability, strengthening state institutions without attention to how society will relate to the state is hazardous<sup>51</sup>. It is argued that in such states (e.g. Burundi), deliberate attention needs to be paid not only to the nature of the state (federal, autonomous, etc.) but also to the regime's rules of governance, as issues of governance, electoral rules, justice and group rights will not resolve themselves solely through effective state strengthening, but through deliberate and thoughtful attention.

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49 Call, "The Fallacy of the "Failed State"", p. 1496.

50 *Ibid.*, p. 1497.

51 *Ibid.*, p. 1498.

*Paternalism: Teleological assumptions and Western bias*

Call argues that the most self-evident deficiency in the failed state thesis is the value-based notion of what a state is, and a patronising approach to scoring states based on those values<sup>52</sup>. Adam Morton describes the conceptualisation of the failed state in the failed state thesis by government institutions in the West as representing a pathology of deviancy from the norms of Western statehood<sup>53</sup>. Like the modern standard, the successful state standard of today is based largely on the features of the dominant Western states, assuming that there is some good endpoint towards which states should move, and that this movement is somehow natural<sup>54</sup>. Underpinning the failed state thesis, therefore, is a European (based on the modern model of successful statehood) or Western universalism, and it is the inability of states to replicate the political, economic and social conditions within Western states that has, according to this thesis, resulted in their failure<sup>55</sup>. Appeals to forms of authority organised at levels other than the state – sub-state authority arrangements (tribes, local strongmen) or transnational authority arrangements (regional authorities) – are not acknowledged even where these may prove more sensible in getting some states back to some pre-failure status<sup>56</sup>.

In short, the failed state thesis tends to cloud, and even misleads, clear analysis, due to the fact that the concept contains culturally specific assumptions about what a successful state should look like and therefore groups together disparate sorts of states with diverse problems, leading to narrow and univalent policy prescriptions. Given the limitations of the failed states thesis, an alternative conception of the phenomenon is required, and this article will expound the neo-Weberian institutionalism approach of William Zartman and Robert Rotberg.

### **Discarding the failed state thesis: Neo-Weberian institutionalism**

Neo-Weberian institutionalists base their premise on Max Weber's definition of statehood, focussing on the capacity of the state to provide the most crucial political goods, most notably security, to its citizenry. They further

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52 *Ibid.*, p. 1499.

53 Adam D. Morton, 'The "Failed State" of International Relations', *New Political Economy*, Vol. 10, No. 3, 2005, p. 372.

54 Call, 'The Fallacy of the "Failed State"', p. 1499.

55 Hill, 'Beyond the Other? A postcolonial critique of the failed states thesis', p. 148.

56 Call, 'The Fallacy of the "Failed State"', p. 1499.

assume that the state is distinct from society and that the state must possess the capacity to resist societal influence to successfully shape society. States have to demonstrate competence in certain core functions for them to be regarded as states, and at the base of this approach “*is the distinction between the state’s capacity to force its will on society and capacity to implement ‘proper’ policies despite societal resistance*” in what Zartman<sup>57</sup> terms the strong and hard state. More recently, Rotberg has included state legitimacy with the neo-Weberian notion of state capacity<sup>58</sup>:

*Nation-states fail because they are convulsed by internal violence and can no longer deliver positive political goods to their inhabitants. Their governments lose legitimacy, and the very nature of the particular nation-state itself becomes illegitimate in the eyes and in the hearts of a growing plurality of its citizens.*

Precisely what the differences in the failed state thesis are between quasi, weak, collapsed and failed states remains unclear and represents an important ambiguity within the failed state thesis<sup>59</sup>. Robert Rotberg (2003) suggests a sliding scale of failure, whereby states move in and out of the quasi, weak, collapsed and failed categories according to their ever changing capabilities. Strong states unquestionably control their territories and subsequently manage to deliver a full range of high quality political goods to their citizens, by offering high levels of security from political and criminal violence, ensuring political freedom and civil liberties, and creating environments conducive to the growth of economic opportunity. Weak states on the other hand include a broad gamut of states that are “*inherently weak due to 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*”<sup>60</sup>. Failed states are characterised by an inability to control territory, borders, and internal legal order and security, and they lack the capacity to provide services to the citizenry, typically due to some form of large-scale institutional collapse<sup>61</sup>.

Rotberg argues that there exists a hierarchy of political goods and that none is as critical and central as the supply of security, especially human

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57 Zartman, ‘Introduction: Posing the Problem of State Collapse’, p. 7.

58 Rotberg, ‘Failed States, Collapsed States, Weak States: Causes and Indicators’, p. 1.

59 Hill, ‘Beyond the Other? A postcolonial critique of the failed states thesis’, p. 146.

60 Rotberg, ‘Failed States, Collapsed States, Weak States: Causes and Indicators’, p. 4.

61 Bøås and Jennings, “‘Failed States’ and “‘State Failure’: Threats or Opportunities?”, p. 477.

security<sup>62</sup>. The state's primary function, therefore, is to provide the citizenry with the political good of security – to prevent cross-border invasions and infiltrations, and any loss of territory; to eliminate domestic threats to or attacks upon the national order and social structure; to prevent crime and any related dangers to domestic human security; and to enable citizens to resolve their disputes with the state and with their fellow inhabitants without recourse to arms or other forms of physical coercion. In turn, the delivery of a range of other desirable political goods becomes possible when a reasonable measure of security has been sustained. As Rotberg suggests, modern states “*provide predictable, recognisable, systematised methods of adjudicating disputes and regulating both the norms and the prevailing mores of a particular society or polity,*” a political good which usually implies codes and procedures that together constitute an enforceable system of rule of law, security of property and inviolable contracts, a functioning judicial system, and a set of values that legitimise and validate the local version of fair play<sup>63</sup>.

The third level of political goods that a state should provide in the hierarchy of political goods encompasses the essential freedoms, including civil liberties and human rights. The final level in the hierarchy of political goods relates to other forms of political goods typically provided by states and expected by their citizenries, including medical and health care, schools and educational instruction, physical infrastructure such as roads, railways and harbours, the promotion of commerce and of civil society. Considered together, this collection of political goods (roughly rank ordered) establishes a set of criteria according to which modern states may be judged strong, weak or failed<sup>64</sup>.

### **The ‘failed state as security threat’ scenario**

Bøås and Jennings argue that it is difficult to trace the extent to which the thinking on state failure actually guides policy, or is merely used as a pretext for more-or-less intrusive interventions in states deemed weak or posing a security threat to Western states<sup>65</sup>. They suggest that the use of state failure as a pretext has an interesting converse, which is that states not facing punitive or intrusive policy interventions are typically not referred to

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62 Rotberg, ‘Failed States, Collapsed States, Weak States: Causes and Indicators’, p. 3-4.

63 *Ibid.*, p. 3.

64 *Ibid.*, p. 4.

65 Bøås and Jennings, “‘Failed States’ and “‘State Failure’: Threats or Opportunities?”, p. 478.

as failed, even when they share some or all of the characteristics ascribed to those so labelled. This would suggest that the labelling of states as failed has less to do with a particular state's functioning and more to do with its ability and willingness to be a relevant partner for Western countries in their efforts to guarantee their own security, access to resources, and support for their security interests.

Africa's strategic significance as posing a security threat to Western security interests was raised post-9/11, with then Assistant Secretary of State for Africa in the Clinton Administration, Susan Rice, describing Africa as the world's "soft underbelly for global terrorism"<sup>66</sup>. Likewise, the September 2002 *National Security Strategy of the United States of America* also changed the calculus of Africa's strategic significance by identifying that "weak states...can pose as great a danger to our national interests as strong states"<sup>67</sup>. It continues and emphasises that: "Poverty does not make poor people into terrorists and murderers. Yet poverty, weak institutions, and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders". Unfortunately, this analysis is possibly nowhere truer than in Africa, where poverty and states classified as weak have historically been endemic. It has been estimated that one-third of sub-Saharan African states were afflicted by low state capacities by the 1990s, at least temporarily exacerbated by the process of globalisation with its open and transparent approach to governance issues, challenging the client-oriented and autocratic nature of many African economies.

It is abundantly clear from this section that states which are unable to provide the political good of security to its citizens, as its primary function, does not only reflect on the weakness of the state institutions (and the subsequent decrease in legitimacy in the eyes of the populace) and the insecurity of the state to allow for the delivery of further crucial political goods, but it also results in threats being posed to international (and in particular, Western) security interests. A large number of weak states or quasi-states, porous borders, widespread poverty, political frustration, religious radicalism and repression on the African continent combine to create an environment in which the kind of alienation and radicalism that can foster both domestic and international terrorism thrives<sup>68</sup>.

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66 Susan Rice, *Testimony before the US House Committee on International Relations*, November 2001, [http://commdocs.house.gov/committees/intlrel/hfa76191.000/hfa76191\\_of.htm](http://commdocs.house.gov/committees/intlrel/hfa76191.000/hfa76191_of.htm) (accessed: May 5, 2013).

67 *National Security Strategy of the United States of America*, 2002, <http://www.state.gov/documents/organization/63562.pdf> (accessed: May 5, 2013).

68 Gregg Mills, 'Africa's New Strategic Significance', *The Washington Quarterly*, Vol. 27, No. 4, pp. 157-169.

## **The African state problematised**

On the basis of the preceding discussion it is important to distinguish between the classic Westphalian state and the African state. Indeed James Ferguson argues that 'the state' may not actually refer to an actor in the African context at all<sup>69</sup>. Rather he notes it is a name of a process tying together a multiplicity of formal and informal power relations. Unlike a classic Westphalian state, its African counterpart does not possess a monopoly of coercive force over its territory. Christopher Clapham argued the activities normally associated with states (such as trading and waging war) are often exercised by non-state actors on the territory of the formal African state<sup>70</sup>.

William Zartman (1995) provides an interesting approach for defining and describing state failure in Africa. Rather than defining the nature of the phenomenon and then proceeding to examine its occurrence deductively, he reverses the procedure by developing an initial analysis inductively from a brief empirical review. Zartman suggests that in an attempt to better understand the causes of state failure, one can return to the recognition of the two phases of state failure as they occurred in Africa<sup>71</sup>. The first phase came in the late 1970s and early 1980s when regimes replacing the original nationalist generation in Chad, Ghana and Uganda proved unable to correct the weakness of their predecessors, adding weaknesses of their own. The new regime showed a greater capability in removing the nationalist placed in power at independence than in improving on their governing, resulting in the removal of their legitimacy along with the nationalists as well. Deficient in resources, legitimacy, ability and security, the state collapsed.

The second wave came in the early 1990s, and is characterised by states made vulnerable by the fact that they pulled into themselves, conducting governance for a narrow, often ethnically identifiable few, alienating the rest of the population for its own benefit<sup>72</sup>. Interestingly, this phase came at the same time as the second wave of democratisation on the African continent, and resulted in a widespread popular movement that claimed the complement of self-government that independence had only provided

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69 Quoted in Ademola Araoye, 'Hegemonic agendas, intermesticity and conflicts in the post-colonial state', *African Journal on Conflict Resolution*, Vol. 12, No. 1, 2012, p. 15.

70 Quoted in Karen Smith, 'Has Africa got anything to say? African contributions to the theoretical development of International Relations', *The Roundtable: The Commonwealth Journal of International Affairs*, Vol. 98, No. 402, pp. 273-274.

71 Zartman, 'Introduction: Posing the Problem of State Collapse', p. 2.

72 *Ibid.*, p. 3.

for partially by a robust civil society reaction. The most notable expression of this movement was the Sovereign National Conference (CNS, using its French initials) that, in 12 countries of West and Central Africa took sovereignty away from the authoritarian ruler and at the hands of civil society organisations wrote new constitutions and implemented multiparty elections. The degree and length of state failure varied according to the conditions of the countries, and was met with both a strong violent reaction in states such as Ethiopia, Somalia, Liberia, Sierra Leone and the Congo, and a reasonably peaceful transition in the South African case.

Zartman furthermore identifies nine overarching characteristics which he observes pertaining to state failure<sup>73</sup>. First, it is the state that fails itself in one of two ways. Either it is so soft as to be incapable of functioning – short of resources, decision-making capability and legitimacy – or it is so hard as to be brittle – alienating and alienated from the rest of the population. Second, state collapse does not require violent rebellion, but this certainly assists with such collapse. Third, state failure can be of varying duration and of various intensities. Extreme cases of duration, such as Somalia and the Democratic Republic of the Congo, exhibit different degrees of intensity, while similar cases of extreme intensity, such as Liberia and Sierra Leone, exhibit different durations. Fourth, state collapse does not necessarily mean societal collapse. Again there seems to be two types: either the imploding state takes civil society down with it; or civil society pulls back into itself at the local level and makes do, performing resiliently and filling the gaps left by the state. In this scenario, civil society can revert to communal structures, elders and traditional religious leaders, and ethnic identities. Fifth, state collapse leaves a society hungry for a normal life, responsive government, and a source of legitimacy, law and order. Implications are contradictory – on the one hand, the atmosphere for restoration is encouraging, and on the other, the same tendency tends to support quick fixes, especially when their appeal is clothed in higher and traditional values. In this instance, it is interesting to note that every real and impending Islamist takeover – from Iran in 1979, to Sudan in 1989, Algeria in 1991, Afghanistan in 1995, Palestine in 2007, Somalia in 2006 and Egypt in the current context – has been based not on a deeply religious population, but on a protest movement against a corrupt, inefficient, self-serving state. One could also include the Arab Spring in this category. Sixth, life goes on

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73 I. William Zartman, 'Life goes on and business as usual: The challenge of failed states', *The (Un)Making of Failing States: Profits, Risks, and Measures of Failure*, (Heinrich Böll Foundation, Fall/Winter 2008/2009), [http://www.boell.org/downloads/hbf\\_failed\\_states\\_talk\\_series\\_William\\_Zartman.pdf](http://www.boell.org/downloads/hbf_failed_states_talk_series_William_Zartman.pdf) (accessed: May 3, 2013).

as best it can even if unregulated by a failed state. This means that people continue to find means of subsistence, networks of commerce, alternative means of education, and even primitive methods of adjudication. State collapse thus presents an entrepreneurial opportunity. Seventh, due to the process of globalisation, states may collapse but they stay alive in their far-flung diaspora, due to the fact that a state's political and social space is much larger than its territory. This results in both transfusions of vital subsistence remittances to the weakened society, but also creates predatory opportunities for political and economic entrepreneurs. Eighth, a more detailed analysis would reveal that failed states tend to cluster, with links of contagion created by transnational rebel and expatriate opposition movements, refugees and IDPs, narcotics transshipments, and migrant labour movements. And lastly, the absence of authority means that players who would otherwise be controlled are free to operate, and a well-functioning society with weak control is far better for international outlaws than unproductive anarchy.

Zartman's delineation of these nine characteristics pertaining to state failure provides us with a better understanding of the effects and opportunities posed by state failure in the absence of a clear conceptualisation of exactly what constitutes quasi, weak, collapsed and failed states according to the failed states thesis, regardless of time and the diversity of states classified as weak or failing.

Somalia is often cited as the paradigm of a weak state, if not the very epitome of state collapse<sup>74</sup>. Somalia, the number-seven-shaped country that forms the Horn of Africa in the north-east of the continent, has long been a contested concept, even amongst Somalis, embodying one of post-colonial Africa's worst mismatches between conventional state structures and indigenous customs and institutions<sup>75</sup>. During the nineteenth century, the United Kingdom, France, Italy and Ethiopia laid claim on the Somali-inhabited territories in the Horn of Africa and divided the 'Greater Somalia' into five distinct political jurisdictions<sup>76</sup>. Decades of civil war resulted in state collapse and weak institutions, providing the ideal environment for terrorism, and especially the rise of radical Islam, to thrive in Somalia. The

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74 Michael Walls, 'The Emergence of a Somali State: Building Peace from Civil War in Somaliland', *African Affairs*, Vol. 108, No. 432, p. 371.

75 Seth Kaplan, 'Rethinking State-Building in a Failed State', *The Washington Quarterly*, 2010, Vol. 33, No. 1, p.82.

76 Mohamed Ibrahim, 'Somalia and Global Terrorism: A Growing Connection?', *Journal of Contemporary African Studies*, Vol. 28, No. 3, 2003, p. 283.

US, Somalia's neighbours and even some Somalis have expressed concern over the years about the spread of Islamic fundamentalism in Somalia<sup>77</sup>.

Somalia's current strife began in 1969 when Muhammad Siad Barre overthrew elected president Abdirashid Ali Shermarke in a military coup<sup>78</sup>. Somalia has been characterised by bouts of civil and international war since then, resulting in profound instability that still persists today. The choice of Somalia since 1991 as a case study poignantly illustrates the failure of generic policy responses and approaches to all embodiments of state failure as conceived by failed state thesis policymakers. The case study concludes that a neo-Weberian institutionalist approach to state building has resulted in a more effective policy response tailored specifically for the clan-based Somali society, by increasing the legitimacy of the state with the establishment of a representative National Constitutive Assembly, which in turn resulted in the state's capacity to deliver positive political goods to its citizenry. The article now turns to the case study of Somalia.

### Case study: The myth of 'Somalia'

One might assume that the Somalis possess an excellent basis for a cohesive polity, given the fact that Somalis share a common ethnicity, culture, language and religion, but in reality Somalis are divided by territorial borders and clan affiliations – the most important component of their identity<sup>79</sup>. The unification of the former British Somaliland and Italian Somaliland following independence on 1 July 1960 to form the Republic of Somalia still excluded Somali brethren from neighbouring territories – in what is today Djibouti, eastern Ethiopia and northern Kenya<sup>80</sup>.

Somalia's political and economic development stagnated under the authoritarian socialist regime of Muhammad Siad Barre, characterised by persecution, jailing and torture of political opponents and dissidents, with the president inordinately favouring members of his own *Darod* clan-family over others<sup>81</sup>. Barre's unsuccessful attempt to conquer Ethiopia's Somali-inhabited region, the Ogaden, in 1977 led to a national crisis, which

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77 Ted Dagne, *Somalia: Current Conditions and Prospects for a Lasting Peace*, Congressional Research Services Report prepared for Congress, RL33911, October 2010.

78 Andrew Linke and Clionadh Raleigh, 'State and Stateless Violence in Somalia', *African Geographical Review*, Vol. 30, No. 1, 2011, p. 47.

79 Kaplan, 'Rethinking State-Building in a Failed State', p.82.

80 Brian J. Hesse, 'The Myth of "Somalia"', *Journal of Contemporary African Studies*, Vol. 28, No. 3, 2010, p. 247.

81 Ibrahim, 'Somalia and Global Terrorism: A Growing Connection?', p. 283.

eventually contributed to internal dissent and civil war. Barre's regime collapsed in 1991 and the country fell further into a state of disarray and violent clan-militia warfare.

The Somali population – some thirteen to fourteen million, including Somalis living in neighbouring states<sup>82</sup> - is divided into four major clans and a number of minority groups<sup>83</sup>. Similar to tribal societies elsewhere in the Middle East, the clans use deeply ingrained customary law to independently govern their communities from modern state structures. There have been over a dozen Somali national reconciliation peace agreement attempts over the last two decades to reconstitute the state that existed when Barre came to power, but these agreements persistently fail due to clan rivalries and misrepresentation of all the clans in talks. From 1996-1997, for example, the Soderre Conference in Ethiopia introduced the "4.5 formula" – a clever formula designed to enable fair power-sharing among the large Somali clan-families – however, it was regarded as a discriminatory and controversial policy at the cost of the smaller clans and minorities (the 0.5) and was later seen to create more problems among the Somalis than it solved<sup>84</sup>.

By December 2008, the International Crisis Group reported that the situation in Somalia had deteriorated into the world's worst humanitarian and security crises<sup>85</sup>. Somalia generates the world's third highest number of refugees (following Afghanistan and Iraq), and in February 2013, there were 1.25 million Somali refugees in the Horn of Africa region, mainly hosted in Kenya, Ethiopia, Eritrea, Djibouti and Tanzania, with almost 1.36 million Somalis internally displaced, settled mainly in the South-Central region<sup>86</sup>.

But what brought the collapse of the Somali state about? It is fundamental to note that the Somali state's failure originates from internal problems that cannot be fully addressed by the international response. The fact that the international response has been more concerned with the spill-over effects of state failure is illustrated from a historical perspective.

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82 *CIA World Factbook*, Somalia, 2013, <<https://www.cia.gov/library/publications/the-worldfactbook/geos/so.html>> (accessed: May 3, 2013).

83 Kaplan, 'Rethinking State-Building in a Failed State', p. 82.

84 Ibrahim, 'Somalia and Global Terrorism: A Growing Connection?', p. 284.

85 International Crisis Group, 'Somalia: To Move Beyond the Failed State', *Africa Report No 147*, December 2008.

86 *Office of the United Nations High Commissioner for Refugees* (UNHCR), Somalia Fact Sheet, 2013, <<http://data.unhcr.org/horn-of-africa/regional.php>> (accessed: May 5, 2013).

Hussein Adam lists the main factors under eight headings – seven are considered to be essentially internal factors, with the eighth considered an external factor<sup>87</sup>.

### *Personal Rule*

After assassinating President Sharmarke in a coup d'état in October 1969, General Mohamed Siad Barre, like many other African rulers, installed a personal rulership when he took over the Somali state which lasted to 1991. He was able to manipulate and modify his rulership style while being in power, from being a prophetic ruler advocating scientific socialism (1970-1977), to an autocrat (1978-1986), and finally a tyrant (1987-1991)<sup>88</sup>. His prolonged dictatorial rule damaged and distorted state-civil relations and his final year in power were characterised by a civil war. Aid indirectly fuelled the civil war, and the withdrawal of aid by the international community led to the end of Barre's reign in January 1991 at the hands of the United Somali Congress (USC)<sup>89</sup>.

### *Military rule*

Barre's dictatorial rule did not function in an institutional vacuum<sup>90</sup>. Barre understood the need for states to be able to wield authoritative force, and the Somali military structure was considered to be one of the best in sub-Saharan Africa. Barre also understood the importance of controlling other state sectors and civil society, through institutions and organisations such as the military, security, paramilitary, an elitist vanguard political party, and so-called mass organisations. As a personal ruler, he granted himself the autonomy to operate above the institutions. Soon after independence, the Somali army numbered a mere 3,000. The Soviet Union agreed to train and equip an army of 12,000 and by 1977 a 37,000-strong army entered the Ogaden War. By 1982 the numbers in the Somali army had grown to 120,000, and the army of liberation had been converted into a huge army of repression<sup>91</sup>.

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87 Hussein M. Adam, 'Somalia: A troubled beauty being born?', in I. William Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder: Lynne Rienner Publishers, 1995), pp. 70-76.

88 *Ibid.*, p. 71.

89 Theodore S. Dagne and Adam Smith, 'Somalia: Prospect for Peace and U.S. Involvement', in Nina J. Fitzgerald (ed.), *Somalia: Issues, History and Bibliography*, (New York: Nova Science Publishers, 2002), p. 2.

90 Adam, 'Somalia: A troubled beauty being born?', p. 71.

91 *Ibid.*, p. 71.

### *From Nomenklatura to Clan-klatura*

Nomenklatura involves appointing loyal political agents to guide and control civil and military institutions, and the introduction of the concept to Somalia by the Soviets involved politicisation of institutions that were beginning to function well, relying on education and training, technical competence, specialisation, and experience<sup>92</sup>. As early as 1972, the military regime began to appoint political commissars for the armed forces, administrative institutions and social organisations. Barre soon began to substitute clanism for ideology as criteria for such appointments, favouring three clans from the Darod clan-family, resulting in the clandestine code name M.O.D. given to the regime. The M (Marehan) stood for the patrilineage of the President, O (Ogaden) for that of his mother, and D (Dulbahante) for that of his principal son-in-law and head of the National Security Service. Although no one dared utter the secret symbol of Barre's power openly, the M.O.D. was common knowledge and discussed and criticised in private.

### *From class rule to clan rule*

Once Barre dropped scientific socialism as his guiding ideology, instead of resorting to Islam as Numeieri did in the Sudan, Barre turned to clanism<sup>93</sup>. Hardly any members of his clan gained strong bourgeois connections during his reign, and promising clan members were plucked out of educational institutions to fill clan-klatura positions. Conversely, Barre sought to destroy the bourgeois element of other clans by sending members to jail or to exile abroad. The damage done to the Somali elite class partly explains both the total state collapse and the delay in Somali state renewal.

### *Poisoning clan relations*

The clan-klatura havoc created within state institutions was exported into rural civil societies<sup>94</sup>. After the Ogaden War (1977-1978), Barre pursued brutal divide-and-rule policies by utilising his army to arm so-called loyal clans and encouraging them to wage wars against rebel clans. The damage caused by elite manipulation of clan consciousness contributed to the inability of civil society to rebound when Barre fell from power, and it is argued that it will take years still to heal these societal wounds.

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92 *Ibid.*, p. 71.

93 *Ibid.*, p. 72.

94 *Ibid.*, p. 73.

### *Urban state terror*

Young people started to disappear in regional cities like Hargeisa in the north of Somalia, considered rebel territory, during the early 1980s<sup>95</sup>. This phenomenon spread to other towns, eventually arriving in Mogadishu. During 1989 and 1990, Barre's clan-klatura forces massacred hundreds of religious protesters, and vindictive terror-state that he created laid the basis for wars of revenge that postponed civil society's ability to create a successor state.

### *Neofascist campaign against the North*

Northern Somalia (formerly British Somaliland) came to resent the South for various reasons<sup>96</sup>. At independence and unification in 1960, the South monopolised all key positions: president, prime minister, commander of the army and head of the national police. The former prime minister of the North, Mohamed Ibrahim Egal, merely became minister of education in the unity government. The conflict between the North and the South generated low-intensity demands for distributional benefits within the political system, which, when unsatisfied, escalated into the current high-intensity demand for separate statehood and independence for Somaliland once the Barre regime collapsed.

### *External factors*

Military, technical and financial foreign assistance played a key role in prolonging the life of Barre's regime<sup>97</sup>. Somalia's geographic position on the Red Sea and Indian Ocean has long attracted foreign interests. Early in Barre's rule, the Soviet Union provided substantial military and economic assistance, including fuel, supplying financing for project local costs that helps cushion the Somali economy from international economic conditions. After 1977, the United States replaced the Soviets in providing armaments – unlike the Russians, sending mostly defensive arms – and during the 1980s, about US\$ 100 million of economic aid per year. Italy on the other hand provided the regime with bilateral aid, and was also the conduit for other European assistance. China also invested in a series of remarkable projects, including the north-south tarmac road, a cigarettes

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95 *Ibid.*, p. 73.

96 *Ibid.*, p. 74.

97 *Ibid.*, p. 75.

and matches factory, a sports and theatre complex, and rice and tobacco farms. China also provided light arms and spare parts. Barre also managed to manoeuvre Somalia into the Arab League in 1974 resulting in the regime benefitting significantly from Arab petrodollar assistance. It is argued that modest financial assistance instead of an abrupt cessation of all aid to Somalia following the end of the Cold War could have facilitated the formation of flexible interim administrations.

### **The rise of radical Islam and the evolution of al Shabab in Somalia**

The government coup in 1991 left a political vacuum, and after fifteen years of chaos – a period characterised by the outbreak of civil war between the tribal warlords – a fundamentalist Islamic group emerged in early 2006, gaining unprecedented support from many citizens<sup>98</sup>. The Union of Islamic Courts (UIC), formerly a loose confederation of regional judiciary systems, defeated the ruling CIA-backed warlords that controlled Mogadishu in June 2006, becoming more politically powerful and relevant than the rival Transitional Federal Government (TFG) based in Baidoa<sup>99</sup>. For many Somalis, the UIC appeared to be the long-sought solution to years of state collapse, reason enough to support the Islamists<sup>100</sup>. Although the UIC did not enjoy any form of democratic legitimacy, the UIC nevertheless provided a higher level of security and a modest economic upsurge<sup>101</sup>.

Although al Shabab was not active and did not control any territory until 2007-2008, the primary objective of this group was irredentism and to establish the 'Greater Somalia' under Shari'a Law. The Ethiopian invasion of Somalia in December 2006 led to the disintegration of the Union of Islamic Courts (UIC) system, and while the UIC leadership moved to Eritrea, al Shabab's secretive leadership slowly took control over the resistance movement<sup>102</sup>. After being exiled, the UIC split into two separate factions – the Alliance for the Re-liberalisation of Somalia (ARS) and al Shabab. Many Somalis joined the fight against Ethiopian occupation.

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98 Melissa Simpson, 'An Islamic Solution to State Failure in Somalia', *Geopolitics of the Middle East*, Vol. 2, No. 1, 2009, p. 33.

99 Michael Shank, 'Understanding Political Islam in Somalia', *Contemporary Islam*, 2007.

100 Ken Menkhaus, 'The Crisis in Somalia: Tragedy in Five Acts', *African Affairs*, Vol. 106, No. 204, 2007, p. 371.

101 Apuuli P. Kasaija, 'The UN-led Djibouti Peace Process for Somalia 2008-2009: Results and Problems', *Journal of Contemporary African Studies*, Vol. 28, No. 3, 2010, p. 265.

102 Dagne, *Somalia: Current Conditions and Prospects for a Lasting Peace*, p. 5.

The strategic significance of al Shabab to the US was raised in 2008, when the then Secretary of State Condoleezza Rice designated al Shabab as a Foreign Terrorist Organisation and as a Specially Designated Global Terrorist<sup>103</sup>. Al Shabab only formally joined the ranks of al Qaeda in February 2012, where the *emir* (leader) of al Shabab, Godane, proclaimed that he “pledged obedience” to al Qaeda head, Ayman al Zawahiri, in a joint video<sup>104</sup>.

Apart from frequent suicide attacks carried out by al Shabab in Mogadishu and elsewhere, al Shabab carried out the twin suicide bombings in Uganda’s capital, Kampala, which killed 76 people watching the 2010 football World Cup final, in response to Uganda’s involvement in contributing – along with Burundi – the bulk of the African Union Mission in Somalia (AMISOM), deployed in February 2007<sup>105</sup>. Eritrea is al Shabab’s only regional ally, supporting the organisation to counter the influence of Ethiopia, its bitter enemy. Al Shabab is estimated to have between 7000 and 9000 active fighters.

Civil war and state collapse have rendered Somalia especially vulnerable to external influences, some which have assisted radical groups, such as al Shabab, to flourish, often part of a broader international network. It is the combination of statelessness, insecurity and foreign sponsorship that have been identified as the root causes that produced Somali terrorist behaviour.

### **A Somali epic: Central governance, part 15, version 4.5**

With an eye towards accommodating Somalia’s complex ideological, historical, social, political and economic concerns, the fifteenth attempt since 1991 to restore central governance in Somalia saw the birth of the TFG, the product of protracted negotiations rather than elections, in 2004 in hotel conference rooms in neighbouring Kenya<sup>106</sup>. Reflecting the influences of the clan-based society of Somalia, the TFG adopted the ‘4.5 formula,’ evenly dividing representation in parliament amongst the four main clan-families – the *Darod*, *Hawiye*, *Dir* and *Digle-Marifle* – plus five minority constituen-

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103 Condoleezza Rice, ‘Designation of al-Shabab’, *Office of the Coordinator for Counterterrorism*, March 18, 2008, <<http://www.state.gov/j/ct/rls/other/des/143205.htm>> (accessed: May 5, 2013).

104 *Al Jazeera*, ‘Al Shabab “Joins Ranks” With Al Qaeda’, 10 February, 2012, <<http://www.aljazeera.com/news/africa/2012/02/201221054649118317.html>> (accessed: August 21, 2012).

105 *British Broadcasting Corporation* (BBC), ‘Q&A: Who are Somalia’s Al Shabaab?’, 5 October, 2012, <<http://www.bbc.co.uk/news/world-africa-15336689>> (accessed: February 15, 2013).

106 Hesse, ‘The Myth of “Somalia”’, p. 252.

cies. In total, the TFG's parliament consists of 550 members, having grown from an original 275 members. This attempt at increasing the legitimacy of Somalia's state authority by the inclusion of its clan-based society in the TFG parliament reflects the need propagated by neo-Weberian institutionalists to move away from Western universalist approaches embodied by the failed states thesis and to provide tailor-made policy responses to the specific situations that cause some states to be weak. From its founding in 2004 until June 2005, the TFG had to meet in neighbouring Kenya out of security fears. From June 2005 until February 2006, the parliament did not convene, and convened again finally on Somali soil in the western city of Baidoa from February 2006<sup>107</sup>.

The election of Sheik Sharif Sheik Ahmed, the former head of the deposed UIC, as the new president of an expanded TFG on 31 January 2009 resulted in dramatic changes in the political landscape of Somalia<sup>108</sup>. In March 2009, the TFG adopted a Somali version of Shari'a, challenging the legitimacy of al Shabab as the preferred vessel to Islamise Somalia. The International Crisis Group<sup>109</sup>, however, argued in February 2011 that relatively stable regions in the north of Somalia (Somaliland and Puntland) refused to recognise the authority of the TFG, while most of central and southern Somalia remained under the control of al Shabab. Despite substantial financial assistance and much other help, the TFG remained a caricature of a government, unable to deal with humanitarian catastrophe and protect its citizens from al Shabab and other violent groups, and confined to Mogadishu.

### **A new approach to state building**

After more than two decades of state collapse, Somalia made a number of commendable strides on the political front. In September 2011, a political roadmap was agreed upon by the major Somali constituencies, detailing the delivery of transitional milestones before the expiry of the TFG's mandate<sup>110</sup>. The international responses to the roadmap in the form of the

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107 *Ibid.*, p. 253.

108 International Crisis Group, 'Somalia's Divided Islamists', Policy Briefing, *Africa Briefing No 74*, May 2010, p. 6.

109 International Crisis Group., 'Somalia: The Transitional Federal Government on Life Support', *Africa Report No 170*, 2011.

110 Knox Chitiyo and Anna Rader, *Somalia 2012: Ending the Transition?*, The Brenthurst Foundation Discussion Paper 4, 2012, <[http://www.thebrenthurstfoundation.org/files/brenthurst\\_commissioned\\_reports/Brenthurst-paper-201204-Somalia-2012-Ending-the-Transition.pdf](http://www.thebrenthurstfoundation.org/files/brenthurst_commissioned_reports/Brenthurst-paper-201204-Somalia-2012-Ending-the-Transition.pdf)> (accessed: February 15, 2013).

London and Istanbul conferences once again illustrated the international community's increased interest in Somalia due to the perceivable security threat that state failure presents and the need to overcome failure in an attempt to secure their own security interests. The London Conference on Somalia on February, 23 2012, aimed at achieving a 'Somali consensus' for international cooperation after the transition period ended in August 2012, attracted over 40 heads of states, including representatives from the US, UK, the TFG and Turkey<sup>111</sup>. The inclusive nature of the Istanbul II conference, held from May 31 to June 1, 2012, was highlighted by the high-level representation from 57 countries and 11 international and regional organisations, including the TFG leadership, regional administrations and Somali society consisting of segments of the youth, women, business, elders, religious leaders and Somali diaspora<sup>112</sup>, reflecting the influences of the clan-based society of Somalia.

The transitional national charter, adopted as part of the Djibouti peace process (2008-2009), mandated a number of requisite tasks, including the drafting of a new constitution, that had to be achieved by the TFG within six years, but by 2011, however, very little progress had been made<sup>113</sup>. The transitional parliament's term, due to expire at the time, was extended by an additional three years, and the TFG's mandate was extended with an additional year to August 2012, with the signing of the Kampala Accords. Although the April 1, 2012 deadline was missed, the new constitution was approved by the National Constituent Assembly (NCA) – composed of 825 prominent Somalis – on August 2, 2012 amid failed suicide attacks<sup>114</sup>. Hassan Sheik Mohamud, a teacher and activist, won the presidential election on September 10, 2012 against outgoing president, Sheik Sharif Sheik Ahmed, by a legislative vote of 190 to 79<sup>115</sup>. The deliberate and thoughtful attention paid to the nature of the Somali state, and the new regimes' rules of governance and composition during the TFG's mandate resulted in the strengthening of the Somali state, reflected in the increased legitimacy of its institutional composition and the return of the NCA to the capital Mogadishu.

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111 *Ibid.*

112 *Ibid.*

113 *Ibid.*

114 Mary Harper, 'Somalia: Failed State or Fantasy Land?', *BBC News*, 3 August, 2012, <<http://www.bbc.co.uk/news/world-africa-19099442>> (accessed: February 15, 2013).

115 *Guardian Online*, 'Somalia's New President Officially Takes Power After Assassination Attempt', 16 September, 2012, <<http://www.guardian.co.uk/world/2012/sep/16/somalia-resident-power-assassination-attempt>> (accessed: February 15, 2013).

Although the transitional period and the TFG have officially ended, new president Hassan Sheikh Mohamud and the NCA will face many challenges in the continuing Somali peace process, with al Shabab and Somalia's failed state status still persisting.

## **Conclusion**

It was the explicit aim of this article to analyse the failed states phenomenon from a neo-Weberian institutionalist perspective. The article set out to highlight the limitations of the failed state thesis and propagated that every state is a culmination of unique historical processes and problematising them not on their own merits, needs and particular pathologies of state and regime formation, but against the norms and standards of a specific type of advanced, Western state results in misguided and self-referential policy responses<sup>116</sup>. Just like most social constructs are manmade, the state failure phenomenon is also largely caused by the hand of man, not accidental, as has been evidenced by the collapse of the Somali state at the hand of Siad Barre's 21-year dictatorship<sup>117</sup>.

Neo-Weberian institutionalists 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. Rotberg argues that there exists a hierarchy of political goods and that none is as critical and central as the supply of security, especially human security. The state's primary function is to provide the citizenry with the political good of security and in turn, the delivery of a range of other desirable political goods becomes possible when a reasonable measure of security has been sustained. This will in turn result in the legitimisation of the state authority, and subsequently lead to state building.

The identification of the security threat that weak states, especially those in Africa, pose to international order and stability (and Western security interests) has been highlighted by policymakers, most prominently

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116 Bøås and Jennings, "'Failed States' and 'State Failure': Threats or Opportunities?", p. 477.

117 Rotberg, 'Failed States, Collapsed States, Weak States: Causes and Indicators', p. 22.

in the war on terrorism, which has informed post-9/11 policy responses by Western states on the African continent through more-or-less intrusive interventions in states deemed weak or posing a security threat to Western states.

Seth Kaplan argues that much of the blame for the deepening nightmare in Somalia should be placed on the international community, where its unimaginative approach to state-building misconstrues Somalia's sociopolitical context, showing little understanding of how a top-down approach impacts the state's decentralised clan structures<sup>118</sup>. Kaplan argues that the international community should work directly with the clans and sub-clans and assist them in establishing a series of regional governments patterned on those already enjoying a high level of functionality and operation in Somaliland and Puntland. It is argued that these entities, with some international support, could serve almost all of their population's day-to-day needs – from education to health care and policing, and in resolving business and family disputes. A central government should be retained, but its functions strictly limited in scope and its institutions in number<sup>119</sup>.

If Mogadishu could now provide effective services to its citizens, its legitimacy will be enhanced amongst ordinary citizens. This, in turn, will further undermine the Islamist extremists. The international community needs to effectively and critically engage with the Somali government institutions as it seeks to build state capacity towards this end, while always being mindful of the complex and deeply entrenched clan-based social structure of Somalia.

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118 Kaplan, 'Rethinking State-Building in a Failed State', p.89.

119 *Ibid.*, p. 90.

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