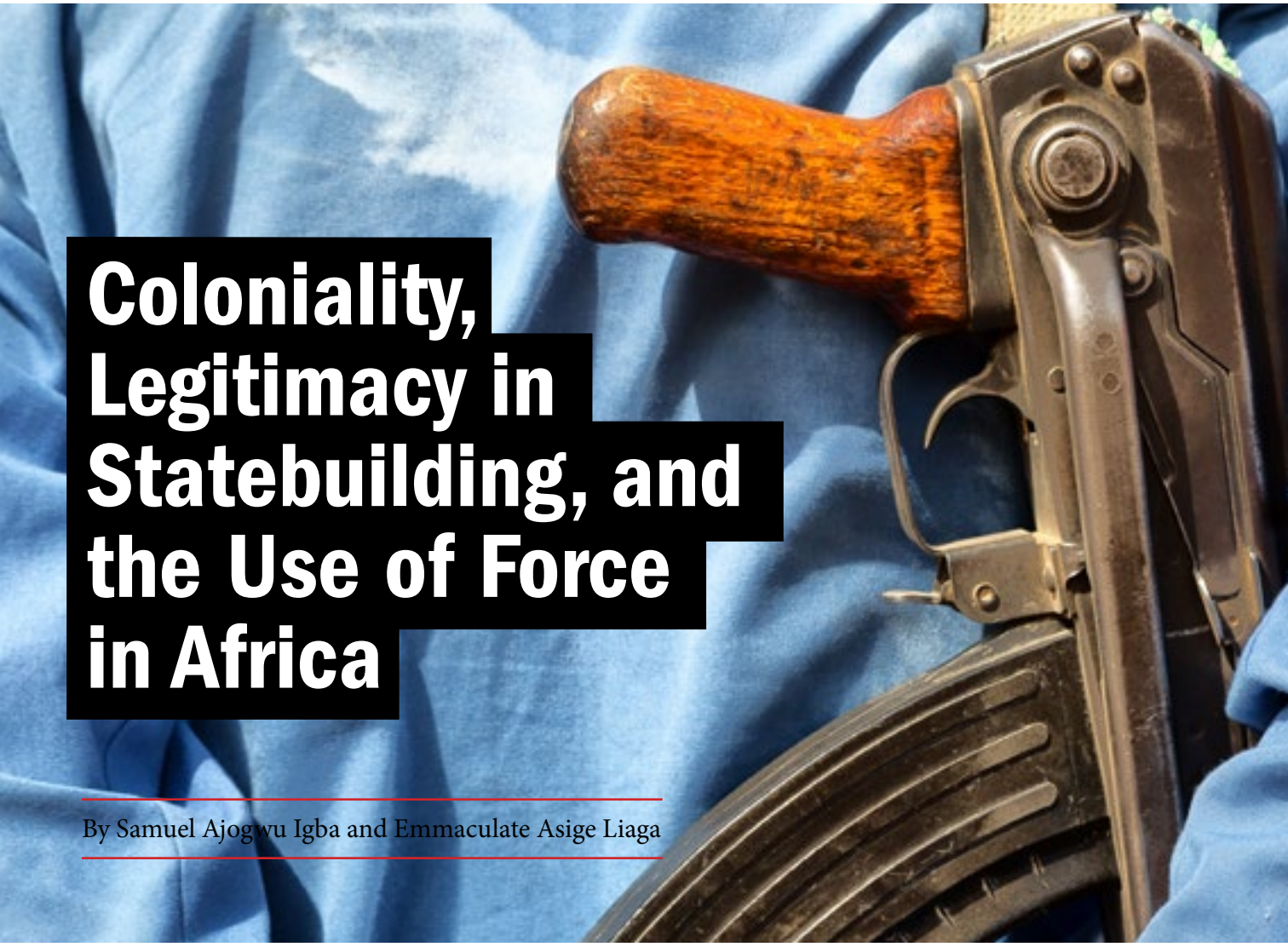

Coloniality, Legitimacy in Statebuilding, and the Use of Force in Africa

By Samuel Ajogwu Igba and Emmaculate Asige Liaga

Abstract

In Africa, legitimation and claims to the legitimate use of force are often challenged by the problematic nature of ethnic diversity, amongst other things. Although ethnicity and diversity are not the problems in themselves, the politicisation of ethnicity is. In this paper, we link this to a history of colonisation which clustered multiple ethnic groups together within single sovereign entities around the continent, as well as the current realities of coloniality which has prevented states within the continent from imagining and transcending the European artefact and design of the modern state in Africa. We link the exploratory term coloniality in statebuilding to the failure of African states to overcome the politicisation of ethnicity and ethnic diversity in order to mitigate the problematic nature of democracy in modern African states. This failure leads to challenges of legitimacy in any given state, and ultimately the states' claim to the legitimate use of force. The resultant symptoms and indicators of such challenges are manifest in the rise of various insurgencies, separatism, and other forms of insecurity. The cases of Kenya, South Sudan, Nigeria, and Somalia are briefly discussed in this article, highlighting the problematic nature of the claims to the legitimate use of force, legitimacy, and the resultant political ethnicity with all its consequences for these states.

Introduction

Discussions about the use of force and claims to the monopoly on the legitimate use of force became prominent in 16th century political philosophy in Europe (Van Der Lijn, 2017: 1). In discussions about the modern state, the conversation about the role of force and its legitimacy cannot be overlooked. According to Van Der Lijn (2017: 1) the core of a state's monopoly of force is that the state is the guarantor of both internal and external security. Van Der Lijn (2017) further argues that although this concept has functioned in some states, in practice its realisation has generally been more the exception than the rule. It still remains, however, the ideal type of security governance chosen by states around the world. Moreover, scholars such as Tilly (1985), Weber (1919: 1), and Van Der Lijn (2017) have argued that the role of the use of force and the monopoly on the legitimate use of force are central components in statebuilding, as they emphasize the importance of a 'legitimate claim to the use of force.'

In this article, two sources of legitimisation for modern states are discussed: international legitimacy and internal legitimacy. The first connotes a situation whereby a state gets its legitimacy from the international community (Engelbert, 2007); in this sense, recognition by the international community of the state as an entity that governs a designated polity is a form of legitimacy. The second refers to legitimacy given by the governed (Armin, 2005: 593); here, state governments are legitimate because the authority of the elected/appointed governing body is acknowledged and recognised by the polity/constituency it governs. It should be noted that this paper will not provide an analysis of the relations between the two types of legitimacy, nor an analysis of a better one, but provide an analysis of each of them in relation to a state and its legitimate use of force. Challenges to the use of force will emerge if the legitimacy of a state's monopoly on the use of force is in question (Tilly, 1985; Weber, 1919). These challenges can range from individual crimes such as armed robberies or kidnappings, to outright confrontations from militia, secessionist and terrorist groups.

In Africa, challenges to legitimation and claims to the legitimate use of force are further exacerbated by the problematic nature of ethnic diversity. Ake (1993) contends that ethnicity is not the problem, but the politicisation of ethnicity is. At this point, a distinction should be made between ethnicity, political ethnicity, and tribalism. While ethnicity is defined as 'a social group or category of the population, set apart and bound together by common ties of race, language, nationality or culture' (Sanders, 2007: 21), tribalism has a more negative connotation as 'the attitude and practice of harboring such a strong feeling of loyalty or bonds to one's tribe that one excludes or even demonizes those 'others' who do not belong to that group' (Nothwehr, 2008: 5). Political ethnicity is a closer term to tribalism, but is specific to politics, as Ake (1993) describes it as 'the politicization and transformation of ethnic exclusivity into major political cleavages.'

In this paper, we link the phenomenon of political ethnicity to a history of *colonisation* which clustered multiple ethnic groups together within single sovereign entities around the continent, as well as the current realities of *coloniality* which have prevented states within the continent from imagining and transcending the modern state in Africa (Grosfoguel, 2013; Ndlovu-Gatsheni, 2016; Quijano, 1993). We link the exploratory term *coloniality in statebuilding* to the failure of African states to overcome political ethnicity in order to mitigate the problematic nature of democracy, which is a form that connotes legitimacy, in the modern states in Africa. This failure leads to challenges to the state's legitimacy, and ultimately the state's claim to the legitimate use of force. The symptoms of the challenges are manifested in the rise of various insurgencies, separatism, and other forms of insecurity. The cases of Kenya, South Sudan, Nigeria, and Somalia highlight some of the problematic areas in claims of acceptance and legitimacy in a state and consequently in its claims to the legitimate use of force. The paper concludes that although international recognition is important, the nature of internal legitimacy can determine how a modern state will perform in terms of statebuilding (Armin et al., 2005; Englebert, 2009; Leander, 2004: 7).

In countries such as South Sudan and Somalia, both governance and security oversight institutions within the state remain weak to deal with traditional and emergent security threats in the region. These states mostly exercise only tenuous control over the means

of violence. While international recognition of a state (and by extension its government) is important in global governance, domestic acceptance, recognition, acknowledgement of the governed polity, and ultimately 'internal legitimacy' provide more relevance to the authority of governing actors with the liberalisation of peace and conflict resolution efforts in Africa (Englebert, 2009). Most statebuilding efforts on the continent have prioritised capacitating political entities, in turn repairing relations between political actors involved in a warring situation at the expense of the larger political community from which the legitimacy of government is derived. Given that the state's legitimate authority is guaranteed and sustained by positive and mutual relations between the governing and the governed, re-imagining statebuilding processes in Africa requires strengthening domestic relations between state actors and the citizenry (civil-state relations), which has the potential to supersede ethnic orientation. This highlights the need for legitimacy, as a key aspect for establishing democratic societies, to be imagined as an inclusive process that caters for the interests of both the majority and the minority, and not the zero-sum game that it continues to be in many African countries, fuelling tension along political/ethnic lines.

Coloniality in Statebuilding and the Legitimate Use of Force in Africa

Walter Mignolo (2006) provides an encapsulating definition of coloniality as 'long standing patterns of power that emerged as a result of colonialism, which still continue to define culture, labour, intersubjectivity relations, and knowledge production well beyond the strict limits of colonial administration.' These patterns of power control the way individuals all over the world perceive realities and knowledge creation. As Mignolo (2006: 6) writes:

> 'Thus, coloniality survives colonialism. It is maintained alive in books, in the criteria for academic performance, in cultural patterns, in common sense, in the self-image of peoples, in aspirations of self, and so many other aspects of our modern experience. In a way, as modern subjects we breathe coloniality all the time and every day.'

There are three essential concepts that explain colonialities. These concepts were initially addressed by Quijano (2000), and further explored by decolonial thinkers such as Grosfoguel (2013), Mignolo (2006), Ndlovu-Gatsheni (2016), and many others. They include the coloniality of power, the coloniality of knowledge, and the coloniality of being. The coloniality of power describes how the current global political order was constructed and constituted into asymmetrical and modern power structures. The coloniality of knowledge focuses on teasing out epistemological issues, the politics of knowledge generation, as well as questions of who generates which knowledge, and for what purpose. The coloniality of being simply delves into questions of how 'whiteness gained ontological density far above blackness as well as how the notions of 'I think, therefore I am' mutated into 'I conquer, therefore, I am' and its production of 'colonizer and colonized' articulation of subjectivity and being' (Ndlovu-Gatsheni, 2016: 10).

In Africa, colonialities can be identified across several aspects of society, from religion, to education, to governance and statebuilding, which forms the discussion in this paper. Mamdani (2015) argues that, for the contemporary African society, the colonial era formed the framework that is used in many policies today. This has led Madlingozi (2015) to point out the transposing of practices that are generally valued by Global North actors through their former colonies, thus pacifying the Global South communities. This has resulted in the re-capturing of Africans into the global matrix of coloniality, which refers to long-standing patterns of power that emanate from the colonial era, which continue to preserve the colonial culture, power relations, and production of knowledge beyond the strict limits of colonial administrations, as described by Ndlovu-Gatsheni (2013).

Sharp (2014: 179) regards this transfer of Western norms, values, and practices as the modern-day mission civilisatrice that asserts the Global North as the power holders and knowledge producers of concepts and practices in statehood. Coloniality in statebuilding is an exploratory concept born out of decolonial literature and previous findings of peacebuilding and statebuilding research (Grosfoguel, 2013; Mignolo, 2006; Ndlovu-Gatsheni, 2016). We define coloniality in statebuilding as patterns of power embedded in statebuilding theories and practice, which developed as a result of the superiorization of European culture, knowledge production, as well as socio-politico and

economic practices carried over from the colonial past. Having identified coloniality of statebuilding (born out of global coloniality) as a problematic area in the modern state in Sub-Saharan Africa, there is a need for a decolonised theorisation of Sub-Saharan Africa's reality that transcends the inherited 'sovereign nation state' concept in Sub-Saharan Africa (Zondi, 2017). Our argument in this paper is in line with decolonial scholars such as Grosfoguel (2011: 19), Ndlovu-Gatsheni (2016: 38), and Quijano (1993) who propose that decolonisation requires a heterarchical view of social structures, different from that which dominates the legacy of liberalism which sorts to separate the economic, the political, the cultural, and the social as autonomous arenas. The heterarchical view is closely related to 'the colonial matrix of power' where ethnicity and culture cannot be separated from other arenas in society (Quijano, 1993). Ethnicity and culture have in themselves played roles in the colonial and post-colonial history of African states, as ethnic and cultural differences have failed to be overcome in all arenas of African intra-state relations. This point will be discussed further in the sections on internal and external legitimacy as it informs the identification of diversity, in this paper, as a problematic area for claims on the legitimate use of force in Sub-Saharan African modern states.

The problem is not diversity, cultural difference, or ethnicity. The problem stems from what Ake (1993: 2) described as 'political ethnicity', that is, 'the politicization and transformation of ethnic exclusivity into major political cleavages'. We will tease out this term in relation to this paper in the sections that follow. The modern state is theoretically based on a 'social contract between the "people" and the "sovereign"' (Baker, 2005: 2), where sovereignty belongs to the state but originates from the people who make up that state. There are five essential elements present in the modern state today: a centralised government, territory, sovereignty, population, and a claim to the monopoly on the legitimate use of force (Mazrui, 1983; Pierson, 1995: 17). This paper particularly focuses on the claims to the monopoly on the legitimate use of force in Africa, connecting the failure to legitimately claim a monopoly on the use of force by African states to a history of colonisation, and the reality of coloniality that has led to the proliferation of political ethnicity and, consequently, to insecurity.

States and the Legitimate Use of Force

Armin et al. (2005: 593) describe statebuilding as activities by governments to establish, re-establish and/or strengthen public structures in a given territory capable of delivering public goods. The goal of statebuilding is to provide and deliver public goods such as security, healthcare, education, and infrastructure. In *Politics as a Vocation*, Weber (1919: 1) describes the concept of the monopoly on the legitimate use of force in statebuilding, contending that the role of the use of force is central to statebuilding, as states need to claim a monopoly on the use of force in order to be recognised as states. Here, Weber assumes that states are essentially defined as states because they are able to assert that they own (by rights, law, acceptance, as well as other connotations of legitimacy) the right to use and delegate force. State institutions need legitimacy to function effectively and to develop over time. Van Der Lijn (2017: 1) presents a similar argument, noting that the core of a state's monopoly of force is that the state is the guarantor of both internal and external security. He argues that the concept has worked in some states around the world, but remains largely problematic, albeit remaining the ideal type of security governance adopted by most states. Armin et al. (2005) argue that though it is of central importance, the use of physical force is not the main aim of statebuilding, but is ideally a concentration and expression of power without the need to exercise coercion for the fact that state power

"The problem is not diversity, cultural difference, or ethnicity. The problem stems from what Ake (1993: 2) described as 'political ethnicity', that is, 'the politicization and transformation of ethnic exclusivity into major political cleavages'. We will tease out this term in relation to this paper in the sections that follow."

must be widely accepted by the people. The claim on the legitimate use of force is then deployed by states in their efforts to provide public goods such as security to protect their territory. These services are often carried out through the state's security institutions such as the police and the military.

Charles Tilly (1985) expands on Weber's (1919) work on the central importance of the use of force, describing four activities that state agents carry out as organised violence. The first is war making, which entails eliminating or neutralising rivals outside the territories on which they have clear and continuous priority as wielders of force. The second is state making, which entails eliminating and neutralising their rivals inside their own territories. The third is protection, which involves eliminating or neutralising the enemies of their clients. The fourth is extraction, which is related to acquiring the means of carrying out the first three activities – war making, state making, and protection. Tilly (1985) criticises this reality of state making, comparing it to racketeering and piracy, noting that the distinction between 'legitimate' and 'illegitimate' force makes no difference to the fact that it is violence. What distinguishes a state's use of force from other organisations or individuals is the ability to monopolise violence. Monopolising violence, as mentioned earlier, involves states being able to assert that they own (by rights, law, acceptance, as well as other connotations of legitimacy) the right to use and delegate force (Tilly, 1985; Weber, 1919). Tilly writes that:

> 'If we take legitimacy to depend on conformity to an abstract principle or on the assent of the governed (or both at once), these conditions may serve to justify, perhaps even to explain, the tendency to monopolize force; they do not contradict the fact' (1985: 171).

These broad definitions of state legitimacy are not to be conflated with police legitimacy but are emphasised in this paper to show that state legitimacy is a necessary condition for the justifiable use of force by the police or military in any given state (Bradford and Jackson, 2010: 1). Legitimacy and how it is defined has implications on statebuilding and the use of force, as Tilly (1985) notes. In this paper, two distinct sources of legitimacy are discussed: international legitimacy and internal legitimacy.

International Legitimacy

The post-colonial state in Africa is argued to have been deprived of internal legitimacy because it was not an outcome of the consent of citizens and this led to *de jure* statehood on the continent (Bereketeab, 2020: 52; Englebert, 2009). In *de jure* statehood, sovereignty is a provision of international laws and functions. Englebert (2009) discusses why in Africa, despite the diversity within sovereign entities and differences, there is a shortage of secession around the continent. Englebert cites many examples, including Nigeria and Somalia, where ethnic and clan diversity have led to civil wars in the past but the countries still remain sovereign states. Englebert suggests that this is a result of the nature of sovereignty in Africa; that is, that sovereignty is *de jure,* getting its legitimacy from the international community as opposed to being given by the people. In this sense, recognition from the international community gives states the legal rights to perform statebuilding essentials such as claiming a monopoly on the use of force.

This can be seen in the case of South Sudan in their civil war with Sudan. In 2005, the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) after almost half a decade of conflict, signed the Comprehensive Peace Agreement (CPA), which ended the civil war that lasted from 1955, after their election, with a brief interlude of a peaceful period in 1972, which sparked again in 1983. This was quickly followed by the formation of the Government of Southern Sudan (GoSS) for the southern region of the country and the Government of National Unity was formed in Khartoum, the national capital. As agreed in the CPA, there was a vote for a referendum on the independence of their region, which was overwhelmingly supported, and six months later Southern Sudan seceded (Moro et al., 2017). The CPA, which later led to a referendum and to independence, was a child born of the efforts of international mediation by elections, and the integration of northern and southern troops. The agreement was brokered by several international actors, including the United States, Norway, and Britain; several African mediators

also pressured the parties to resolve the conflict (Moro et al., 2017).

In South Sudan, international developments and pressures beyond the region added the political weight needed to pressure the parties into deal-making mode. Of particular importance was the United States' involvement as part of the troika, alongside the UK and Norway. The United States played a key role in helping to create the 2005 Comprehensive Peace Agreement, laying ground to the 2011 referendum on self-determination. Compared to the previous head of state in the US, George W. Bush's administration had a more pragmatic policy on Sudan and a determination to facilitate a settlement (Cockett, 2010). With this as a precursor, the external influence has not relented. In the 2018 ARCSS peace deal, many political parties which did not sign for the deal were strong armed by the external players towards signing, leading to the harsh reality of implementation challenges.

Another similar case is that of Somalia, whose civil war lasted between 1991 and 2013. The civil war began as former dictator, Siyad Barre, was overthrown with none of the competing factions being strong enough to replace him. The country then fell into chaos, gradually forming a stateless society where various clans who had been marginalised during Siyad Barre's regime clashed with each other, led by warlords for over 22 years. Heavily armed factions controlled various parts of the country, with hostilities causing widespread death and destruction around the country, and with civilians needing emergency humanitarian assistance (United Nations, n.d). The deteriorating and appalling situation in Somalia led the United Nations Secretary-General, in cooperation with the Organization of African Unity (OAU), the League of Arab States (LAS), and the Organization of the Islamic Conference (OIC), to become actively involved with the political aspects of the crisis and to press for a peaceful solution to the conflict (United Nations, n.d; Møller, 2009). Peace talks had broken down repeatedly during the course of the fighting as a result of clan members' resistance of the peace processes led by the international community, referring to the processes as unrepresentative and foreign. A Somalia federal government backed by and recognised by the international community was finally established in Somalia in 2013. The above cases represent the power of the international community in the state formation of South Sudan and Somalia's governments, which both had subsequently spent many years in war. Although the international community played a part in relatively fathering a solution in both countries, the danger was in the high-level process which needed the buy in of the communities over time.

Internal Legitimacy

A second source of legitimacy is given by the governed to the government of a state, termed 'internal legitimacy' in this paper. According to Armin (2005), for a modern state to function effectively, it must be accepted widely as legitimate, and legitimacy is given by 'the people' in today's modern state. In sharp contrast to how Somalia's federal government and state was backed by the international community, and established in 2013, Somaliland with little to no international backing has been able to develop state structures since the late 1990s during the Somalia Civil War. Somaliland declared independence from Somalia, and with local legitimacy, through local processes, has been able to establish a more stable state in comparison with greater Somalia. This feat notwithstanding, Somaliland is yet to be recognised as a state by the international community.

The above suggests that legitimacy involves popular acceptance through democracies. It is worth noting at this stage that African societies, states, and legitimacy were configured and conceptualised differently in precolonial times (Mazui, 1983). The plurality of forms of traditional legitimate government and legitimation processes in Africa presents a crisis of legitimacy for modern states created from colonial territories (Cappelen and Sorens, 2018; Mazui, 1983; Poncian and Mgaya, 2015). A discussion of the many forms of legitimate governments that existed in precolonial times, and might still exist parallel to the modern state today, goes beyond the scope of this paper. Moreover, the current realities of African states and legitimacy is directed at building *modern states* in the post *1648 Westphalia treaty* sense of the term, and this has proven problematic for statebuilding in Africa due to the unsettled issues of internal legitimacy (Bereketeab, 2020: 52; Englebert, 2009). Rosanvallon (2008: 9) argues that, although it is widely accepted as the procedure for legitimate government, majority legitimacy is flawed in that it conflates the majority with the whole, consequently proliferating the

“For the sake of clarity in this paper, *political ethnicity* significantly differs from *ethnicity* and *tribalism* as has been discussed by many anthropologists and political scientists, including the likes of Archie Mafeje (1971: 254) who argues that in ‘many instances the colonial authorities helped to create the things called ‘tribes’, in the sense of political communities; this process coincided with and was helped along by the anthropologists’ preoccupation with tribes.”

marginalisation of minority groups. This pegs some unanswered questions in this article: having identified two forms of state legitimacy i.e. international legitimacy and internal legitimacy through assent of the governed, how then can legitimacy be defined so that it incorporates minorities?

In essence, legitimacy is central to statebuilding, but there are complexities in properly defining legitimacy and this presents a challenge for statebuilding in terms of the use of force, a challenge that emanates from the fact that a legitimate claim to the use of force is central to statebuilding in a modern state. African states have clear international legitimacy (Engelbart, 2007). However, most internal legitimacies of African states can be questioned as a result of ethnic and clan diversities and, as one consequence, weak claims on the monopoly on the use of force and the proliferation of insecurity. The following section elaborates on this point, linking it to the continent’s colonial past, colonialities in the present, and political ethnicities.

Political Ethnicity, Legitimacy, and Claims to the Legitimate Use of Force in Africa

For the sake of clarity in this paper, *political ethnicity* significantly differs from *ethnicity* and *tribalism* as has been discussed by many anthropologists and political scientists, including the likes of Archie Mafeje (1971: 254) who argues that in ‘many instances the colonial authorities helped to create the things called ‘tribes’, in the sense of political communities; this process coincided with and was helped along by the anthropologists’ preoccupation with tribes. This provided the material as well as the ideological base of what is now called ‘tribalism’.’ Mafeje (1971: 258), argues that this ‘*transgression*’ comes from the definition of what constitutes a tribe and the inconsistencies with the definition of tribe. He contends that an undifferentiated society, practicing a primitive subsistence economy and enjoying local autonomy can legitimately be designated as a tribe. Such a society striving to maintain its basic structure and local autonomy, even under changed economic and political conditions, exhibits tribalism. It is, however, a transgression to impose the same concept on societies that have been effectively penetrated by European colonialism and that have been successfully drawn into a capitalist money economy and a world market.

Moreover, many social scientists – including Cohen (1978), Jenkins (2008), Mafeje (1971), Sharp (1988), Weber (1921) – have come to acknowledge ethnicity as a socially constructed phenomenon. The reality of ethnic groups cannot be neglected, however, as Ake (1993) argues that ‘ethnic groups are, to be sure, inventions and constructions in some measure, but they are also real, even in the sense that states are said to be. Nonetheless, ethnicity is not a fossilized determination but a living presence produced and driven by material and historical forces. It begins, becomes and passes away.’ This paper focuses on *political ethnicity*, which is described by Ake (1993: 2) as the ‘politicization and transformation of ethnic exclusivity into major political cleavages.’ In this sense, while ethnicity simply emphasises the glorification of one’s ethnic group, and tribalism emphasises the demonization and exclusion of others, political ethnicity specifically talks about the actions of political actors in statebuilding which are influenced by ethnicity and tribalism. Ake (1993: 2) argues that political ethnicity creates a challenge for practically achieving some of the aspired to, and ideal, characteristics of a modern state, such as a sense of a unified national identity within the population. This has an effect on the political stability of any given modern state.

Political ethnicity is a historical as well as a current reality in the modern state in Africa. The effects of clustering significantly different ethnic groups into a single territory as a state is, among other things, what

Ake (1993: 2) describes as political ethnicity. Ethnicity is now popularly conceived as something constructed, invented, or created (Anderson, 1983; Barm, 1969; Cohen, 1978; Saul, 1979; Sharp, 1988). Ake (1993: 1) does not dispute the fact that ethnic groups are constructed, but argues that this view is inextricably linked to reality as it appears within colonial situations. The fact that ethnic groups are constructed does not make them less real than states themselves, according to Ake. Colonial rule, which amalgamated disparate ethnicities into the chaos called the colonial state, largely created the fluid abstract ethnicity which is evident today by dissociating ethnicity from autonomous polity and territoriality. In this article, political ethnicity is linked to the weakness of legitimate claims on the use of force in African states, and the resultant insecurity. This follows the unanswered question: if legitimacy is taken to mean popular acceptance through democracy and majority votes, how does the system cater for minorities?

Gathering from Bereketeab (2020) and Englebert (2009), *de jure* legitimacy – as is it practiced in many African states – gives the state the legal right to use force to uphold the constitutional laws. In these instances, when governments are elected, they are presented with the imperative by the international communities' recognition to forge a state based on democratic principles of majority rules. But in most cases with African states, the views of the minorities remain silenced and oppositions to the elected government are oppressed by the threat of or use of force by government security apparatus. The monopoly on the use of force comes into play here, through various security agencies. The crushing and silencing of dissenting voices fuels division in the country that can push some of the minorities to retaliate and in some instances demand their rights to self-government (drawing authority from their constituency). The case of Biafra, and the Nigerian Civil War of 1967 to 1970, as well as secessionist threats from the Indigenous People of Biafra (IPOB), currently presents perfect examples of this phenomenon. In this case, the latter – the IPOB consisting of predominantly Ibo people of Nigeria – cite marginalisation as a reason for secession and request a referendum to vote on whether to stay or secede, a request that has been ignored by the Federal Government of Nigeria (Gaffey, 2015). In September 2017, the Federal High Court of Nigeria labelled IPOB a terrorist organisation, and the group has been met with force ever since (Office of the High Commissioner for Human Rights, 2020: 1; Ojoye, 2018).

How can states build legitimacy that is not only derived from international recognition of the appointed government but is domestically grown? What contribution would this have to sustainable conflict resolution and statebuilding? What does legitimacy even mean, especially at the domestic level? Trust? Recognition? Respect? The link between political ethnicity and the legitimate claims on the use of force also follows the assumption in this paper that political ethnicity in any given system of government results in the marginalisation of minorities. Without a consensus on a definition of legitimacy that takes minorities into consideration, legitimacy is undermined in democratic systems.

Moreover, in terms of claims to the monopoly on the legitimate use of force, connotations of legitimacy as democratic legitimacy result in contestations over the use of force, thereby challenging the state's claim to a monopoly on the legitimate use of force (Englebert, 2009; Rosanvalon, 2008; Tilly, 1985; Weber, 1965). Without a legitimate claim on the monopoly on the use of force, groups within the state may challenge the state. This phenomenon can be identified throughout the history of the world, and particularly in Africa where states are diverse and often divided along tribal and ethnic lines (Ake, 1993; Englebert, 2009: 62–63). To analyse the implications of an absence of a legitimate claim to the use of force, we briefly discuss Nigeria's civil war, as well as current insecurity. Mazrui (1983) and a handful of other political science scholars contend that ethnic diversity, coupled with the indirect rule of the British, led to a post-colonial modern state that is dysfunctional (Jackson, 1986). Indirect rule aggravated the problems of creating a modern nation state after independence (Mazrui, 1983). The different groups in the country, by being ruled in part through their own native institutions, maintained their own separate ethnic identities. Northern Nigeria became particularly distinctive in its fusion of Islam and Africanity. The missionaries were kept out and missionary education (which had helped to Westernise the South fairly rapidly) was relatively inaccessible to large parts of the territory. Different sections of the population perceived each other as strangers, sometimes as aliens, increasingly as rivals and, ominously, as potential enemies. As it

happens, the stage was being set for the events which ultimately led first to the military coup in Nigeria in January 1966, then to the slaughter of the Ibo in Northern Nigeria in the same year, then ultimately to the outbreak of a civil war from 1967 to 1970.

Traces of the legitimacy question in Nigeria's governance, with regard to the use of force, can be identified from the colonial period where the Northern and Southern Protectorates were amalgamated in a union that merged 250 diverse ethnic groups. There is no assumption here that entities within the area currently known as Nigeria lived peacefully before colonisation. With Othman dan Fodio's jihadist movements encroaching from the North, and conquering territory towards the south in the 1800s, and the old Oyo empire, in what is currently South West Nigeria resisting the jihadist's encroachment (Akinjogbin, 1966; Ibiloye, 2012: 107), both entities were engaged in war shortly before colonisation began in the early 1900s, (Otunola, 2021; Akinjogbin, 1966). Perhaps what is left to ponder on is whether or not these separate entities, without the amalgamation, would have fared better as modern states bound by modern international laws that prevent such war.
Moreover, it should be noted that during Nigeria's socio-political development, in the colonial period, the two protectorates were culturally apart: the Northern Protectorate was poor, and the Southern Protectorate had an abundance of exportation of its agricultural products but was in need of revenue to develop its railway lines and improve social infrastructure (Berger, 2009; Home, 1983). The forced union was a convenient way to assist the Northern Protectorate, albeit without funding of proper structure. This has developed into a Nigeria that displays her disunity in tribes, religions, and natural endowments hinging on the politics of resource control.

According to Oyewo (2019), the amalgamation brought about a considerable popular feeling of exclusion and a perceived sense of injustice among the various units of the Nigerian federation, leading to alienation, suspicion, and apprehension among various groups in the country. The first military coup in Nigeria and the subsequent declaration of the state of Biafra can be linked to these events. According to Oyewo (2019), the forceful merger of ethnic groups was not the only problematic aspect of the amalgamation, there was also a clash of religions and political systems which varies from north to south. There was tension between ethnic groups in the form of politicised ethnicity and competition over scarce resources before, during, and shortly after independence in 1960, leading to rampant nepotism and tribalism which undermined nationhood. Oyewo (2019) notes that this peaked eventually in 1966 when the first republic finally collapsed, leading to the Nigerian Civil War from 1967 to 1970. These phenomena continue to occur today, as is evident in the upspring of insurgencies, separatists, and terrorist organisations with ethnic bases. For example, while the Boko Haram insurgency is predominantly Northern Muslim and Hausa ethnic groups, groups in the South-South are predominantly made up of ethnic groups of that region.

In an article discussing the influence of ethnicity and religion in Nigerian elections, Oboh (2017: 80) argues that the leaders of the international community spend more time addressing conflicts that arise from ethnicity and religion in Africa, Asia and the East European states. He notes that every state in the West African sub-region, including Nigeria, has passed through the tunnel of crisis emanating from ethnic and religious conflicts. Oboh (2017: 81) contends that ethnicity does have an effect on elections and politics in Nigeria, as no politician can win an election without the support of his/her ethnic nationality. As a consequence, politicians elected into office tend to give priority to the needs of their ethnic nations. Another consequence noted by Oboh (2017: 81) is the fact that ethnic minorities are excluded from attaining the highest office (President), because they don't have the numbers to support political aspirations due to political ethnicity.

Furthermore, in countries like Kenya, the country has been divided into various inter-communal groups, with conflict between groups often centred around elections. These conflicts have not yet matured into levels of secessions, as this does not lead to a mutually desired political outcome. With the closest election (inter-communal) violence being in 2017, it remained an election dispute that was arguably political play and theatrics (Oduor, 2019). The structure of elections and the resultant violence has thus been politically structured, leading to division within inter-communal groups due to the political rivalry of principal groups and people. For instance, the 2007 post-election violence was mainly initiated by two key principals

who belonged to two major and different ethnic communities in Kenya. As a consequence, the ethnic groups which were fighting fell largely in these groups ethnically or in support of them. In the Kenyan case, internal legitimacy is mostly contested through inter-ethnic disagreements and arrangements, which are largely influenced by their political principal.

Mati (2019) argues that instrumentalised ethnic identity has played a key role in mobilising and modelling politics in Kenya as a consequence of the British colonial divide and rule policies that imposed ethnic dualism and emphasised differences. These structures were left functional after independence; therefore, ethnic identities remain the bases for mobilisation and the structuring of politics in contemporary Kenya. Mati (2019) argues that this dominance of ethnic-based politics is a product of the conflation of political economy-induced interests where elites instrumentalise ethnicity in political mobilisation to ensure their own survival and reproduction. According to Ogechi (2019), political elites in Kenya mobilise along ethnic lines to solidify their political bases whenever there is competition to either retain or change the status quo. Ogechi (2019: 130) discusses a variety of identities which are negotiated in Kenya's multi-lingual and multi-ethnic politics, demonstrating that identity in Kenya is dynamic and constantly being negotiated by various players in bids to win political office.

Weak claims to the use of force also results in weak security sectors in some cases. This is an apparent trend in the Horn of Africa. It indicates an increasing erosion of states' monopoly on the legitimate use of force, leaving states of the region unable to provide effective security to maintain a monopoly on the use of force. An example can be drawn from Somalia's security sector where, since the official end of the Civil War in 2013, the sector has failed to develop its capacity to secure the country and consequently, today, the legitimacy of the Somali government, and its claims to the monopoly on the use of force, has been questioned by scholars such as Çanci and Medugu (2015) and Graveline (2016). The weakness of the Somali government's claim on the legitimate use of force is also apparent in the fact that the African Union Mission in Somalia (AMISOM) is the major security force preventing militia forces from taking over the capital (Graveline, 2016). It is uncertain whether the Somalia Federal Government (SFG) can retain its authority if the Africa Union mission, which provides it with security, should withdraw from the country (Çanci and Medugu, 2015). AMISOM has been in Somalia from February 2007 until the present day in 2021. Conflicts between the various clans, marginalisation, and inequalities that followed independence in the 1960s, as well as the merging of two former colonies of British Somalia (present day Somaliland) and Italian Somalia (present-day South-Central Somalia), culminated in the events that led to the outbreak of the Somalia Civil War that lasted for 22 years, between 1990 and 2013 (Elmi and Barise, 2006: 33; Paul et al., 2014: 154).

Conclusion

In linking the above narrative to legitimacy and the use of force, we argue that separatists, insurgencies, and terrorist organisations spring up to challenge the legitimacy of governments, even democratically elected governments, as a result of the loophole in democratic systems that assumes the majority is the whole (Rosanvallon, 2008: 9). If we take legitimacy to mean popular acceptance by the governed, which is assumed to be attainable in today's modern state only through a democracy where the majority determines legitimacy, how are minorities catered for in this system to avoid marginalisation and conflict-causing injustices?

We conclude that part of the challenge in answering this question, at least in Africa, lies in the existence of colonialities in statebuilding mentioned earlier in this article. Coloniality in statebuilding places European-generated knowledge about statebuilding, such as the definitions of legitimacy and what is legitimate, far above knowledge generated from other places around the world (Grosfoguel, 2011; Ndlovu-Gatsheni, 2016; Mignolo, 2006). The coloniality in statebuilding is accompanied by epistemological issues, politics of knowledge generation, as well as questions of who generates which knowledge about statebuilding, and for what purpose. As argued by Grosfoguel (2011: 38), the advent of colonialism did not only result in colonial administration. Colonisers also brought with them a culture, knowledge, and belief systems that were superimposed on colonies, and continue to affect intersubjectivity relations between Europe and the rest of the world today. It is our conclusion

that this coloniality of knowledge generation about statebuilding has resulted in a lack of imagination to present a less problematic system of legitimation that caters for the whole, as opposed to the majority alone. This kind of system *would* address political ethnicity and the resultant insecurity within states around the continent.

References

Ake, C. (1993). 'What is the Problem of Ethnicity in Africa?' *Transformation: Critical Perspectives on Southern Africa*, 22: 1–14.

Akinjogbin, I.A. (1966). 'The Oyo Empire in the 18th Century – A Reassessment.' *Journal of the Historical Society of Nigeria*, 3(3): 449–460.

Armin, V B., Häußler, S., Hanschmann, F. and Utz, R. (2005). 'State-building, nation-building, and constitutional politics in post-conflict situations: Conceptual clarifications and an appraisal of different approaches.' *Max Planck Yearbook of United Nations Law Online*, 9(1): 579–613.

Barker, J. (ed). (2005). *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*. Lincoln, NE: University of Nebraska Press.

Berger, D. (2009). 'Taxes, Institutions and Local Governance: Evidence from a Natural Experiment in Colonial Nigeria.' Unpublished manuscript.

Bradford, B. and Jackson, J. (2010). 'What is trust and confidence in the police?' *Policing: A Journal of Policy and Practice*, 4(3): 241–248.

Çanci, H. and Medugu, Y.J. (2015). 'Impact of The Global Arms Trade in Somalia (2000–2014): A Descriptive Analysis.' *International Journal on World Peace*, 32(4).

Cappelen, C. and Sorens, J. (2018). 'Pre-colonial centralisation, traditional indirect rule, and state capacity in Africa'. *Commonwealth & Comparative Politics*, 56(2): 195–215.

Cockett, R. (2010). *Sudan: Darfur and the Failure of an African State*. New Haven, CT: Yale University Press.

Elmi, A.A. and Barise, A. (2006). 'The Somali Conflict: Root causes, obstacles, and peace-building strategies.' *African Security Studies*, 15(1): 32–54.

Englebert, P. (2009). *Africa: Unity, Sovereignty, and Sorrow*. Boulder, CO: Lynne Rienner Publishers.

Gaffey, B. (2015). 'What is Biafra and Why are Some Nigerians Calling for Independence?' [online] *Newsweek*. Available at: https://www.newsweek.com/what-biafra-and-why-are-some-nigerians-calling-independence-401164

Graveline, S. (2016). 'AMISOM and Peace Support Operations: Lessons Learned.' [online] *Institute for Defense Analyses*. Available at: https://www.ida.org/idamedia/Corporate/.../africawatch-November-9-2016-vol13.pdf

Grosfoguel, R. (2011). 'Decolonizing Post-Colonial Studies and Paradigms of Political-Economy: Transmodernity, Decolonial Thinking, and Global Coloniality.' *Transmodernity: Journal of Peripheral Cultural Production of the Luso-Hispanic world*, 1(1).

Home, R. K. (1983). 'Town Planning, Segregation and Indirect Rule in Colonial Nigeria.' *Third World Planning Review*, 5(2): 165.

Ibiloye, E.O. (2012). 'The Enduring Impact of the 1804 Fulani Jihad on Igbomina Society.' *Journal of African Studies and Development*, 4(4): 105–113.

Jackson, R.H. (1986). 'Negative Sovereignty in Sub-Saharan Africa.' *Review of International Studies*, 12(4): 247–264.

Leander, A. (2004). 'Globalization and the State Monopoly on the Legitimate use of Force'. University of Southern Denmark, Political Science Publication No. 7, 2004.

Mafeje, A. (1971). 'The Ideology of 'Tribalism'.' *The Journal of Modern African Studies*, 9(2): 253–261.

Mazrui, A.A. (1983). 'The Reincarnation of The African State: A Triple Heritage in Transition from Pre-Colonial Times.' *Présence Africaine*, (127/128): 114–127.

Mignolo, W. (2006). *The Idea of Latin America*. Oxford: Blackwell Publishing.

Møller, B. (2009). The Somali conflict: The role of external actors (No. 2009: 03). DIIS report.

Moro, L.N., Gordon, R., Dau, P.T., Maxwell, D. and Santschi, M. (2017). Statebuilding and legitimacy: experiences of South Sudan. *Secure Livelihoods Research Consortium*, Report 15, London.

Naim, M. (2013). *The End of Power: From Boardrooms to Battlefields and Churches to States, Why Being in Charge Isn't What It Used to Be*. New York: Basic Books, p.115.

Ndlovu-Gatsheni, S.J. (2013). 'Why decoloniality in the 21st century?' *The Thinker*, 48(10): 5–9.

Ndlovu-Gatsheni, S.J. (2016). *The Decolonial Mandela: Peace, Justice and the Politics of Life*. New York: Berghahn Books.

Oduor, R. (2019). The Right to Secession in the Kenyan Context: Philosophical Reflections, with Special Reference to Non-Dominant Ethnic Groups. [online] *Politika*. Available at: https://www.politika.io/en/notice/the-right-to-secession-in-the-kenyan-context-philosophical-reflections-with-special

Office of the High Commissioner for Human Rights. (2020). AL NGA 5/2020. Mandates of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism. [online] Available at: https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25563

Ojoye, T. (2018). Court affirms IPOB's proscription, designation as terrorist group. [online] *Punch*. Available at: https://punchng.com/court-affirms-ipobs-proscription-designation-as-terrorist-group/

Okia, O. (2011). 'The Role of the Police in the Post-Election Violence in Kenya 2007/08.' *Journal of Third World Studies*, 28(2): 259–275.

Otunola, I. I. (2021). Fall of the Oyo Empire: Causes, Consequences and Lessons for Modern Day Nigeria. [online] *Voice of International Affairs*. Available at: https://internationalaffairsbd.com/fall-oyo-empire-causes-consequences-lessons-modern-day-nigeria/

Pierson, C. (1995). *The Modern State*. London: Routledge.

Poncian, J. and Mgaya, E.S. (2015). 'Africa's Leadership Challenges in the 21st Century: What Can Leaders Learn from Africa's Pre-Colonial Leadership and Governance?' *International Journal of Social Science Studies*, 3(3): 106.

Quijano, A. (1993). 'Modernity, Identity, and Utopia in Latin America.' *Boundary* 2, 20(3): 140–155.

Tull, D.M. (2016). *United Nations Peacekeeping and the Use of Force: The Intervention Brigade in Congo Is No Model for Success.* Berlin: SWP Comments.

Weber, M. (1965). *Politics as a Vocation*. Philadelphia: Fortress Press.