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Parcellized Sovereignty:
The State, Non-state Actors, and the
Politics of Conflict in Africa

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Introduction

In 1999, the First International Bank of Grenada struck a deal with one of several rebel groups operating in Zaire (Democratic Republic of Congo), the *Rassemblement Congolais pour la Démocratie-Mouvement de Libération* (RCD-ML), to become something akin to Orientale province's central bank. Amongst its directives was the issuance of a "mining-assets backed new currency in the rebel territories." The bank also agreed to spend $16m for the renovation of 15 hospitals and some roads in the province.[1] The deal fell through as a result of the decline of the movement, but it points to a unique dynamic in which non-state actors seek to exert power over some piece of territory jurisdictionally claimed and internationally recognized as being under the control of a specific state.

The ambition of this deal probably contributed to its downfall, but the emergence of such political and economic interactions outside the direct scope of the state points to the emergence of a new type of politics which shifts emphasis away from the state to various other power vectors. These conflict zones produce a self-sustaining dynamic characterized by a struggle for power and a complex web of dialogical relationships that at times

variously co-opt the state, compete with it, disengage from it, or just ignore it. Africa's civil wars can at points produce vast territories with substantial populations out of the direct control of the state. Civil wars may produce de facto partitioned states, superficially beholden to maintaining territorial integrity, but in actuality functioning in distinct ways that force us to reconceptualize what is meant by sovereignty and its relationship to power. From the current stalemate in the Democratic Republic of Congo, to the longer conflicts in Sudan, Angola, and Uganda, and including, to a lesser degree, shorter conflicts that plague countries like Ivory Coast and Sierra Leone, there is a need to understand political behavior in areas out of the direct control of the state—the politics of conflict zones. Besides the inherent importance of studying such politics for their impact on the populations struggling to make a living in conflict zones, these areas also often have important regional consequences, often serving as the base for neighboring rebel movements, for example.

The international system is predicated on the notion that for every piece of territory, there is a corresponding state that exerts sovereignty. Traditional explanations of civil wars have presumed one of three outcomes and based their analysis on how each is achieved. Outcome one is the eventual triumph of government forces and a return to a status quo. Outcome two is the victory of rebel forces who subsequently take over the reins of state power. Outcome three is the actual juridical[2] partition of the territory into two (or more) separate sovereign states and is the least likely outcome. While accurate, these conceptions leave out a fourth option alluded to briefly above in which states retract from conflict zones for substantial periods of time opening a space for a new political paradigm. Although it is fair to assume that most if not all conflicts will eventually return to a statist equilibrium, experiences on the African continent demonstrate that certain conflicts can produce a relatively stable though temporally limited dynamic in

which vast territories move out of the realm of the state, and reproduce derivative forms of sovereignty. Sketching the terrain of this form of sovereignty is the goal of this paper.

However, much of the literature on the nature of African politics presupposes a state which variously holds (or seeks) the monopoly of force, shapes the nature of political institutions, and is the target of political activity. This paper is not so bold as to offer a dramatic reconception of politics in Africa, but rather will seek to synthesize and critique various literatures on the nature of the state in Africa and point to a way of manipulating current analytical tools to address the question of how politics functions in conflict zones. To do this, it will be necessary to assess the various literatures on the state and society in Africa. However, I will place emphasis on the role of power, especially in its relational forms, and trace the way that it is interpreted by various authors.[3] Such a shift to a power-centric perspective is necessary to formulate an accurate conception of politics in conflict areas. A popular paradigm in the literature on African states views them as both weak and easily manipulated by a variety of actors. This paper does not argue directly against this approach, but rather seeks to shift the emphasis away from merely pointing out that the state does not have power to an articulation of where power actually lies. This paper seeks to offer a framework for analysis of the set of dialogical relationships that exist between the state and other power vectors in conflict areas on the continent. To get to this answer requires a more general sketch of the nature of power in the post-colonial African context, an area of study rich with theoretical interpretations.

States and power

Before we can discuss power away from the state, it is important to clearly demarcate the lines of the relationship between states and power. Following Weber's classic

definition, William Munro provides a clear articulation of the state and its relationship to power:

> In modern social formations the state is the principal institutional locus of political power. The state is seen as the legitimate provider of specified political goods, over which it has sole and universal jurisdiction on the basis of a national collectivity and for which it seeks revenue on that basis.[4]

Commentators have long sought to explain how states became the holders of political power, with many arguing there is a direct relationship between state formation and war. Charles Tilly provides probably the most comprehensive treatment of the emergence of states in Western Europe following a line of scholars who have argued for a relationship between fighting wars and the building of the modern state.

According to this argument, states formed as a result of a burgeoning international system predicated on conflict between entities which placed an emphasis on the "organization of coercion" within a territory in order to foster more efficient "preparation for war."[5] The hostile environment present in Europe at the time made regimes constantly concerned with preparation for war, requiring the marshalling of vast resources in order to pay for professional armies. This led rulers to place primary importance on the extraction and accumulation of capital, and which in turn led to the establishment of an efficient infrastructure of taxation based on the threat of coercion.[6] Michael Mann has argued that wars also shaped nation-states by increasing revenue flows to state coffers initially to finance the fighting, but remaining even after the conflict ceases.[7] In the classical model of state formation, power is central to an understanding of not only how a state works, but more fundamentally, why they came to

exist in the first place.

Conflict is not foreign to Africa. Since the end of the Cold War, at least twelve African states have had wars break out on their territories, with at least seven others involved in neighboring disputes. However, many African states remain unable to exert any type of sovereignty over their own territory:

> The power base of the state tends to be narrow. Social and political power is a shifting mixture of old and new forms of domination, status and social control. State power, itself the subject of internal tensions and struggles, has to vie for ideological dominance with pre-existing idioms of socio-political organization.[8]

Clearly, most African states are not following the model of the European state, particularly, as I will discuss later, those which underwent the experience of colonial rule.

In fact, in the African context, war seems to have the opposite impact, dramatically undermining and reshaping the relationships that the state has with a wide variety of actors. Miguel Centeno has argued that Latin American countries exhibit an opposing dynamic than the European case.[9] The progressive globalization of financial resources diminished the need for state authorities to extract revenue from its citizenry in order to fight—instead, state elites could rely on funds from international sources like banks. In his piece, Centeno further proposes that conflict in Latin America may actually be a result of the lack of this dynamic, as the lack of hegemony over their own territories opens the state up to challenges from other actors. This reverses Tilly's paradigm from one in which wars lead states to expand their coercive apparatus, to one in which war is a result of the inability of the state to exercise power over its territory.[10]

In Africa, the relationship between war and state power is more comparable to Centeno's vision of Latin America than Tilly's of Europe.[11]   Since most African states started off with international recognition of their juridical control over the territories left behind by the colonial powers, African states were given legal control over their boundaries despite their physical incapacity to enforce them.   Robert Jackson has argued that the international system has validated states juridical sovereignty, despite their failure to achieve empirical statehood.[12]   The dynamic is accurately described by Jeffrey Herbst:

> Neither the colonial nor the independent state system that have, successively, defined international relations in Africa since 1885 have been hostile to weak states. Rather, both systems have been highly organized and designed to protect the frontiers of countries who could not necessarily defend themselves.[13]

In addition to the international pressures that recognized juridical boundaries regardless of actual territorial control, African leaders were also invested in maintaining such nominal boundaries in order to shore up their own importance. Thus, as early as 1964, one of the central concerns of the Organization of African Unity (OAU) was to explicitly recognize the permanence of the boundaries inherited from colonialism.[14]   A consequence of this universal recognition of territorial boundaries is that few African conflicts have been overtly inter-state, rather, civil wars pre-dominate.[15]   In this context, an alternate relationship between states and war in Africa can be sketched. Rather than promoting the progressive development of a state's coercive apparatus, civil wars reduce a state's empirical ability to control its' juridically defined territory. Civil wars inhibit the state's ability to procure resources by reducing the resource base on which

it can draw. In the case of a protracted military stalemate, the state will be forced, for the length of the conflict, to revise their expenditures downward. Even in cases where states are able to procure resources from external sources to continue exerting hegemony over a reduced territory as well as continue fighting, the loss of territory to a rebel movement will inevitably initiate a retraction of state power, even if initially it was merely de facto.

The significance of rebel movements in Africa then is this: accepting that African states are characterized by the unfinished development of a coercive apparatus able to project power from a central state throughout its recognized territory, rebel movements can pose a serious threat to state sovereignty defined empirically and even juridically. When rebel movements are able to wrest control over a specific territory away from the state, they are opening a dynamic in which actors can claim power away from the center in a meaningful and analyzable manner. These conflict zones are characterized by what I call *parcellized sovereignty*, a situation in which non-state actors in areas de-linked from the power of the state by conflict can claim a form of sovereignty. I borrow the term from Perry Anderson who used it to describe the nature of feudalism in Europe, though my modified usage of the term, as will become clear, is vastly different than the way he used it.[16]

Current conceptions of states and power in Africa

Considering the plethora of theoretical work on the nature of the state in Africa, it is certainly questionable to offer yet another construct to explain politics in Africa. Therefore, before I explain what I mean by this term, it is important to consider why such a new term is warranted and necessary. Specifically, I intend to review current conceptions on the nature of the state in Africa, assess how power is conceived and why current formulations do not provide us with a full picture of politics in conflict zones. There are three central points of debate: 1. the

relationship of state institutions to power; 2. the legacy of colonialism; and, 3. the role of civil society. By examining the works of leading African and Africanist scholars, the following sections will shed light on each.

When discussing the genus of state characterized by a protracted conflict and state retraction, the dominant paradigm, especially in western Africanist circles, is to view the state as "collapsed."[17] The problem with this approach according to one African commentator is that "it tries to understand the state in Africa through an analogy, rather than through its own history... this thesis presumes that the state in Africa has been an attempt to recreate the European state in African conditions."[18]

A more nuanced approach acknowledges the "weakness" of the state, but notes that its existence as an instrumental tool manipulated by various elites renders it no less consequential. Although many authors have subscribed to this approach, it is probably most comprehensively laid out by Jean-Francois Bayart in his seminal work, *The State in Africa: The Politics of the Belly*.[19] Drawing on the work of the French philosopher Michel Foucalt's notion of "governmentality" in which the machinations of state power manifest through society in diffuse ways and rarely in concert with its formal institutions, Bayart develops a framework in which many of the primary functions of the African state occur outside the realm of formal institutions, and, more specifically, are manipulated in selfish ways by both traditional and modern elites.[20]

Bayart argues that historically, power in Africa was minimally concerned with controlling the land, but was rather concerned with control over populations.[21] This is a point made by a variety of authors, including most recently Jeffrey Herbst, but while most analysts view Africa's political geography as a limiting factor in state consolidation, Bayart interprets the situation differently arguing that a smaller population makes it easer for the political elite to control the population through surveillance or co-optation of potential challengers.[22]

He attributes four qualities to power in Africa post-colonially. First, power in Africa is concerned with "resources of extraversion," which he defines as being those diplomatic, political, military and cultural resources used by elites to maintain and strengthen their privilege, particularly through relationships with non-African states, multi-national corporations and international organizations. Second, power also gives financial resources to its holders, through both state-provided salaries as well as access to systems of credit. Bayart's third and fourth definition of power argue for the idea of the African state functioning as a predatory state. Specifically, he argues, "Holders of power use their monopoly of legitimate force to demand goods, cash and labour."[23] And that, "positions of power provide pretexts for prebends without recourse to violence."[24] What this entails is summarized by the contention that, "The struggle for power (in Africa) is perhaps chiefly a struggle for wealth," though Bayart argues that he is not making a cultural argument. Rather, it is the material poverty of African societies that leads to "the brutal conquest by an active and desperate minority of the riches of the State."[25]

Bayart's interpretation is not merely a case of reifying the state, nor is it a case of looking for a state where none exists. Notice that he argues the African state "functions as a rhizome of personal networks and assures the centralization of power through the agencies of family, alliance and friendship..."[26] This view argues that states in Africa are fundamentally different than their European counterparts, having evolved original mechanisms of state-ness that are no less real because of their non-European veneer. As Munro clarifies, state power in Africa may be diffuse, but this should not be construed as there being no state. Specifically, this view argues that examining state power does not require a reification of the state, nor is it easily discernable in its institutional manifestations, but rather we must look at the complex links between the state and society:

State power rests, then, not only in coercive capacity or in the influence of dominant social groups but also in political and ideological traditions of control and consent that are not socially fixed... Consequently the links between the state and society are multivalent and complex, running not only through the regime and the economy but also through the institutions and discourses of the public sphere. In this light, the core problem of governance and state authority is how to incorporate people into a polity and economy in such a way that they accept the particular forms of political and legal authority that are centered on the state and, most broadly, the different ways that various realms of civil society are made subject to the ultimate jurisdiction of the state through its various legal and administrative institutions.[27]

A close reading of this approach can tell us much about the nature of power in Africa. Specifically, although Bayart's emphasis on the capillary nature of power belies his over-reliance on Foucaldian conceptions of the state, it also provides a conceptual framework for understanding how local agents manipulate the norms of state-power in specific and self-serving ways. Although I disagree with the contention that criminal behaviors are the particular form of statehood established on the continent, it is hard to deny that power in Africa is manipulated by elites through the institutions of the state, both real and imagined. Furthermore, it is fair to assume that there is little that is essentially 'African' about this type of state power, as many of the states in the world clearly follow the model Bayart describes.

Foucalt's conception of 'governmentality' presumes that a "formal, neo-Weberian state would be central to

politics and governance, serving as the predominant, authoritative underwriter of order."[28]   Thus, what Bayart's formulation does not provide us with is an account of what happens when the state, challenged by an armed force, retracts from a specific territory still under its juridical control. State elites may be able to leverage their international legitimacy into economic and political payoffs as ascribed by his concept of extraversion, however, it is naïve to assume that this relationship would not be radically altered in conflict zones. For example, it is doubtful that a multinational corporation interested in operating in a particular area would be willing to bankroll a leader's whims if the state has completely retracted from that area.

This challenges William Reno's instrumentalist view of the "shadow state" in Africa in which leaders purposefully neglect providing collective goods to a population, instead deliberately withholding resources in order to manipulate the population into a dependent patron-client relationship. In this view, certain African states are characterized by a type of personal rule primarily concerned not with the production of public goods, but rather the use of state resources as a private good geared to enriching the leadership and their clients.[29] According to Reno, a "shadow" framework of structures based on informal ties will be established which actually undermine and destroy the remaining formal institutions of the state. The problem with this conception, according to Michael Nest, is that in parts of Africa on which Reno bases his analysis, many public goods were never provided by the state. Instead, non-state actors like the Church and multinational mining companies provided what few public goods were on offer, thus rendering what little welfare the state may threaten to withdraw inconsequential.[30]

Other scholars have diverged from Bayart's formulation of state power and argued that the state in Africa has faced structural constraints that have prevented an effective exertion of power across its

internationally recognized territory. Jeffrey Herbst has most thoroughly articulated the political-geography argument in his book *States and Power in Africa,* [31] arguing that the historical emphasis on control over the population (rather than land) has transcended into the post-colonial era and is the central dilemma for African states. In his book, Herbst argues that pre-colonial African states did not have the capacity "to formally control large amounts of land beyond the center of the polity because they could not project power in other ways."[32] Unlike Bayart though, Herbst views population scarcity as undermining rather than shoring up state power. Herbst's argument is that political geography shapes the exertion of power in African states leading to a fluid conception of boundaries that is idiosyncratic compared to the rigidly demarcated nature of boundaries in the modern world.[33] According to Herbst, power in African states "radiates outward from the core political area and tends to diminish over distance," in addition to being "fractured, weak and contested."[34]

There is much that is contentious about this formulation. Herbst's argument emphasizes that continuity between the pre-colonial and post-colonial conceptions of African power in which control over the population is more important than control over the territory.[35] The problem with this approach is its diminishing of the importance of colonial rule in altering the relationships of power within Africa. To what degree colonialism fundamentally shaped Africa's present realities has long been a major debate amongst African and Africanist scholars who on one side argue that colonialism represents a mere "episode"[36] in African history, and on the other, view colonialism as representing a fundamental disjuncture from the African past. In my view, while it is true that certain elements of Africa's present do resemble relationships of power that existed pre-colonially, the impact of colonialism was to reshape the nature of political power on the African continent in a systematic way leaving any comparisons between pre-

and post-colonial Africa superficial at best. Still, like Herbst, I do find it important to examine how the political geography of Africa affects a state's ability to project power. Though it borders on a tautology to argue that a state with more territory than it has capacity to rule will have difficulty in exerting power.

While Bayart and Herbst emphasize the pre-colonial links present in African state-formation, others disagree, and center the colonial experience in their analysis. In a major work, Crawford Young has argued that the experience of colonial rule fundamentally shaped the ways in which power works in Africa.[37] Basing his argument on the contention that "the ultimate objective of the state is to ensure its own reproduction through time,"[38] Young examines traditional (European) theories of state development, and demonstrates that during the 19th century, when the modern state came into existence in Europe, certain attributes became essential to its definition. Among these are specific conceptions of territory, population, sovereignty, power, law, nationalism, its role as an international actor, and an underlying idea. His essential premise is that the state in Africa was flawed in its creation in that it was neither sovereign, nor a nation, nor recognized by the international community, and that these flaws have shaped the nature of the post-colonial state. He argues that the state should be viewed as "a goal-driven, purposive agent of history,"[39] which allows him to conceptually identify various state "imperatives" which are interactive and competitive, including hegemony, autonomy, security, legitimacy, revenue, and accumulation. According to James Wunsch, in an insightful review, "To achieve and sustain these qualities over time, [Young] argues, a state must balance its drive for hegemony and domestic autonomy (i.e. freedom of action from domestic actors and interests) with the necessity of allowing space, voice and political influence to civil society. Legitimacy... is very difficult to achieve and sustain without this balance."[40]

In Europe, this dominating form of state power was tempered by the development of an active and vibrant civil society, but in Africa civil society was constrained. Colonial rule was not concerned with the development of a viable state project, rather, coercion was the order of the day. The state apparatus that developed in colonial Africa was centrally concerned with institutionalizing the "machinery of permanent domination,"[41] in order to maximize the revenue and accumulation imperatives. The independence era opened a space for the emergence of a type of civil society that potentially could have legitimated the stunted colonial state by making it more responsive and accountable. Instead, post-colonial African leaders responded to challenges to their rule by adopting the bureaucratic-autocratic model of colonial rule, rendering post-colonial states in Africa mere derivatives of the colonial state, a form of state that Young dubs the "integral state."[42] The African state then has been primarily occupied with the establishment of an apparatus of domination, unfettered from the potential controls of a vibrant civil society.[43]

Young's work does much to clarify how colonial rule shaped the nature of power in the post-colonial African realm. Particularly, his discussion of the autocratic roots of contemporary institutions forces us to consider the way that the design of the state in post-colonial Africa constitutively shapes how politics function. His work on the relationship between civil society and the state is also important, and we will discuss it shortly. First, however, if we are to take Young seriously, we should consider the precise ways that colonial rule influences contemporary politics and what this implies for political activity in conflict zones. Specifically, Young argues that the colonial state's emphasis on the revenue imperative required it to develop a strategy of accumulation predicated on the manipulation of traditional elites.[44] Traditional authorities were empowered with the coercive means of the colonial state in order to extract taxes from subject populations they were granted dominion over

through the system of indirect rule. Traditional elites were moved by a combination of personal desire and fear of repercussions of ignoring the colonial prerogative.

A number of commentators have examined the precise nature of the indirect rule system and demonstrated how its legacy shapes politics in Africa today. Mahmood Mamdani has argued that colonial rule in Africa was characterized by a system of bifurcated power which separated ethnic and civic authorities into two distinct realms. According to Mamdani, the development of what he calls "decentralized despotism", explains how Europeans were able to construct hegemony based on manipulating cultural mechanisms: "achieving a hegemonic domination was a cultural project: one of harnessing the moral, historical, and community impetus behind local custom to a larger colonial project."[45]

Indirect rule then, was a system in which the colonial space was organized under two distinct legal regimes, divided between rural and urban areas.[46] On one side, the civic realm was controlled by the central state, but its scope was limited to an urban core in which civil rights were predicated on racial membership. While legally subservient to the civil authority, the customary realm, which exerted power over the rural areas, existed under the direct control of a mulitiplicity of ethnicized "Native Authorities."[47] Post-colonial African states dealt with this bifurcation of power in two ways. Radical regimes like that of Julius Nyerere in Tanzania both de-racialized the civic realm and de-ethnicized the customary realm, taking power away from the traditional authorities and locating it squarely within the single party. However, much of Africa only succeeded in de-racializing the civic realm, but left the rural areas under the control of the native authorities. State officials still retained the right to select the leadership of the rural native authorities, however, traditional elites have been able to exert a significant amount of autonomy over both their territories and populations.[48]

For example, chieftancies retain a high degree of control over such important issues as land tenure and other issues related to "citizenship" that in the European model would definitely be located with the state. Richard Sklar has described the co-existence of traditional chieftancies with modern state forms as a "Janus-like relationship of back-to-back dimensions of authority." He argues that their authority in fact transcends the constructivist view advocated by Mamdani, arguing that their legitimacy is both a result of colonial rule and traditional practice:

> ...traditional authorities do not exist as a consequence of their recognition and appointment by the governments of sovereign states. On the contrary, they are recognized and appointed to traditional offices, in accordance with customary rules, because those offices are legitimated by the beliefs of the people, who expect them to exist in practice.[49]

Scholars disagree on the degree to which customary authorities exist as distinct power centers away from the state. As Herbst maintains, "there is no way for local authorities to increase their power by taking back from the state what the state does not have."[50] However, while this may be true when the state is still able to exert some degree of control over traditional authorities, it tells us little about what to expect when the state retracts leaving local authorities as the sole authority structure. What Mamdani's theoretical construction offers is an explanation of the underlying institutional design that allows sovereignty to be claimed away from the center. In non-conflict scenarios, the native authorities retain distinct powers away from the central state which have few parallels to Western forms of political devolution. This is not African federalism, despite its superficial similarities.[51] Rather, the powers maintained by the

native authorities can often conflict directly with policies promoted by the center, for example, in such substantive issues as to who is a citizen and who can own the land. In a conflict zone in which the state has retreated away from vast territories under its juridical responsibility, the native authority can emerge as a distinct sovereign entity, explicitly ethnicized, and willing to exert coercive means to claim power.

Herbst hints at this dynamic, but does not address it in any depth:

> In areas far from the capital, other actors, including traditional leaders and local "warlords" who have moved into the vacuum created by the collapse of the local branches of the state, may exercise substantial control, provide security, and collect taxes. Understanding that in some of the failed or failing states in Africa, rural communities already face a complex situation where sovereign control is only exercised partially, if at all, by the central government would be an important return to reality and an abandonment of the fictions of international law.[52]

Thus, while Herbst acknowledges the existence of such unconventional forms of sovereignty, it is outside the purview of his book to examine how power functions in these alternate vectors. Like Herbst, many authors tend to point to the importance of studying politics in conflict zones, but few have addressed it directly.

Thus far my analysis has focused primarily on the nature of the state in Africa. However, the notion of power existing outside the realm of the state is not a new subject for scholars. The literature on the relationship between the state and society in Africa is particularly rich. Since many of the actors that are relevant to our

notion of "parcellized sovereignty" fall within this broad
paradigm, it is useful to see how this literature has
conceptualized power and whether it can help us move
closer to an understanding of the politics of conflict zones.

State and society

In an early work on the subject of state/society relations,
Naomi Chazan pointed out that African states exhibit
"varying degrees of stateness."[53] Within this conception,
other power vectors may emerge that may serve
instrumental purposes for the population:

> The state, therefore, is no longer viewed
> as the sole magnet of social, economic and
> political change. It constitutes merely one
> of many possible foci of social action. If
> state institutions, resources and values
> appeal to specific social constellations,
> they will ally themselves with state policy
> and act in accordance with its guidelines.

Her basic contention is that power, defined as "the capacity
to control resources-and authority...," "may legitimately
be vested in local social structures as well."[54]

Victor Azarya, building on Albert Hirschman's
influential notion of exit, voice and loyalty in state/society
relations, provided a definition in which "civil" society
either chooses "incorporation" or "disengagement" with
the state as a political tactic and response to the
inadequacies of state power.[55] Disengagement, for
Azarya, "is the tendency to withdraw from the state and
keep at a distance from its channels as a hedge against
its instability and dwindling resource base."[56] Under this
conception of disengagement, Azarya included such wide-
ranging activities as the subsistence economy, the black
market, the private sector, artistic critiques of state
efficacy, and the move toward "traditional" authorities,
all of which recognize the state's monopoly over force and

seek to circumvent it.[57] More extreme forms of disengagement such as emigration and in the worst manifestation, civil war or regional separatism, seek to challenge that monopoly altogether.

In the early 1990's, literature on state/society relations largely came under the auspices of the debates on the idea and value of "civil society." Triggered by the end of the Cold War, Western academics in particular sought to understand the relationship of civil society in moderating and regulating the state.[58] In the introduction to a major edited volume, John Harbeson lays out this interpretation, "Civil society is understood by most political philosophers to be the means by which the organizing principles of the state are harmonized with those of society at large."[59] According to Michael Bratton in the same volume, civil society and the state exists in a see-saw like relation with power alternating between the two, a process through which the state is legitmated, "The alternation of political initiative between state and civil society is necessary for the legitimation of state power . . . civil society exists in a complementary relationship to the state; its social institutions serve the hegemonic function of justifying state domination."[60] Young also views civil society as bound by the state, though not subjugated by it. It exists in both a conflictual and cooperative relationship, in which civil society serves the role of limiting the power of the state, while simultaneously seeking to secure collective goods through it.[61]

While this approach sought to divide the state and civil society into two distinct though dependent realms, others viewed civil society as merely an extension of state power. Although he ties his own analysis to the works of post-modernist intellectuals like Foucalt, LeMarchand's conception of civil society differs from Harbeson et al mainly in that it does not view civil society as an autonomous actor, but rather as a manifestation of state power.[62] This characterization of civil society is not limited to the post-modernist critique, but actually follows the

conception put forth by Marx, or even Hegel, the former who viewed civil society as intimately connected to the interests of a state class or the bourgeoisie and the latter who chose not to draw a line between the two at all. This is a conception that Bayart seems to agree with as well, arguing that civil society serves as a manifestation of state power due to its role as the site for "the reciprocal assimilation of elites," a process in which the interests of the traditional and modern elites fuse through the matrix of the state and civil society.[63]

A third approach to the civil society debate returns to Chazan's and Azarya's emphasis on the disengagement of societal actors from states, but updates it by considering the role of the forces of globalization. Jane Guyer has argued that conceptions of civil society in Africa must realistically account for the penetration of international actors in shaping political and economic processes and reforms, challenging conventional notions of civil society as the realm of only citizens.[64] Thomas Callaghy, recognizing the international dimension of power relations in Africa, urges a consideration of the role that international actors play in shaping the dynamic between civil society and the state. According to Callaghy, International Financial Institutions such as the World Bank and the International Monetary Fund, basing their strategies on liberal presumptions about the importance of civil society, have privileged supposed civil society actors in reform efforts, ignoring the central role of the state in promoting any serious economic development.[65]

Victor Azarya has argued that "States do not always fight disengagement. They may also reconcile themselves to reduced control over a withdrawn periphery."[66] If we accept this contention, then we can understand conflict zones as triggering a general disengagement from the state throughout a specific territory. In this context, each of the three perspectives offers us something useful in understanding the nature of power in conflict zones. The perspective that civil society is a manifestation of state power allows us to

consider how political power can exist outside the formal institutional realm of the state. The view that emphasizes civil society's role as a counter-force to the state is not directly applicable as we have argued that states retract from conflict zones, however, the related idea that civil society serves to legitimate authority is particularly important. Specifically, it offers us a mechanism through which the power of non-state actors in conflict zones may be legitimated by societal actors. Finally, as most conflict zones are characterized by a transnationalization of relations, it is important to understand how the local interacts with the global which Guyer and Callaghy point to.

Parcellized sovereignty

If we define the state in minimal terms as "a hierarchical, quasibureaucratic organization exercising some measure of control over most of the territory within its formal boundaries,"[67] then we would be hard pressed to find a state in parts of the continent affected by conflict. The preceding discussion of current treatments of states and power in Africa was meant to highlight how African and Africanist scholars have conceptualized relations between the state and various actors, and how they fail to address the question posed initially in this paper: How does politics function when states retract from conflict zones? What follows is a preliminary attempt to frame the issue by drawing on elements from the various authors discussed above to put forth a concept I call parcellized sovereignty.

In my conception, such an approach follows the "structured contingency" approach outlined in the work of Michael Bratton and Nicolas van de Walle in which "structural precedents impart shape to current events," while allowing that "today's private decisions change even durable public institutions."[68] Such an approach will allow us to consider both the broader structural conditions within which various actors compete, as well as considering the individual decision-making process of each

actor and its impact on the broader structural conditions.

As discussed early in the paper, current scholarship presumes that civil wars will necessary end with a state-based solution regardless of whether the current regime or the rebel movement comes out on top. But in my view, this is a limiting assumption as many civil conflicts can produce a protracted stalemate characterized by the retraction of state power from a specific territory within their juridically recognized boundaries. Parcellized sovereignty refers to the ways in which numerous non-state actors can claim a type of sovereignty in a specific conflict zone. This is an essentially positive assertion as I am not concerned with the normative implications of state-retraction, but rather, seek to understand what is the resulting political equilibrium.

Numerous scholars have gone to impressive lengths to describe the precise ways in which the state is unable to meet even the minimalist definition provided above. Alternately described as "failed," "collapsed," "shadow," "weak," "quasi," or "inverted", a useful picture of how the state works in various parts of Africa has been drawn. Joshua Forrest provides a representative definition:

> Through the process of state inversion, government institutions become increasingly dysfunctional and end up turning inward toward themselves rather than outward toward society. The state grows increasingly irrelevant for society, with the process of state inversion culminating at its most severe levels in the disintegration of the central government.[69]

But these conceptions tell us little about what remains. Still, if we do accept this conception about state behavior, we still need to understand what then happens in areas

from which the state retreats?

Much political science work on Africa presumes that the absence of a strong state will necessarily be followed by anarchic conditions.[70] However, it is important to note as Timothy Longman has in the case of Rwanda, that the Hobbesian paradigm that proposes a state vs. anarchy binary, fails to take into consideration the state's own contribution to internal violence.[71] He argues that the lack of state control does not imply a state of anarchy, but rather internal social forces may emerge that regulate society in ways unaccounted for by much current political science work. Instead of anarchy, Longman proposes that in the absence of the state, entrenched social leaderships can emerge, claim power, and effectively govern village communities with legitimacy drawn from their position at the head of indigenous social networks of power. While I do not share Longman's sense of optimism about the potential of non-state actors to provide authority, his observation that there is order within a situation presumed chaotic is a starting point for my own work.

The first question that needs to be answered is why the rebel movement does not simply replace the state? In order to answer this, we need an operating definition of sovereignty. Traditional analyses of sovereignty have viewed it as a function of three variables: people, governing structures, and territory.[72] Chunk theories of sovereignty view it as monolithic in that states control all the privileges of sovereignty simultaneously. This implies that within a specific territory, a single governing structure controls the population absolutely. Sovereignty, in this conception, is indivisible and cannot be parcellized or claimed partially.[73] Basket theories of sovereignty, on the other hand, argue that "sovereignty exists in degrees, some states possessing a certain 'basket' of some attributes, others possessing another 'basket' of other attributes."[74] Clearly, parcellized sovereignty relies on basket theories of sovereignty.

Stephen Krasner has divided the concept of sovereignty into four ideas, all of which are relevant to

our argument.[75] His first two conceptions constitute the internal dimensions of sovereignty, while the latter two constitute the external dimensions of sovereignty. "Domestic sovereignty" refers to the internal organization of public authority and effective control of government within a state . "Interdependence sovereignty" is the capacity to control who or what crosses a state's legal boundary. "Westphalian sovereignty" excludes external actors from authority structures within a state's territory. And "international legal sovereignty" is associated with the recognition of a state's authority by other states in the international system.[76] In the case of conflict zones, the state may actually not be able to claim any of the above, while non-state actors may be able to claim components of each.

Returning to our question, rebel movements may actually exhibit a number of traits generally considered to be in the realm of the sovereign state in that they have governing structures which control populations and (loosely) defined territories. They engage in specific state-like activities, from negotiating deals with economic actors, providing some basic social services, building infrastructure, collecting taxes, patrolling boundaries, and even establishing quasi-institutions usually associated with the state such as "courts" to punish "offenders,"[77] However, despite efforts by several movements to claim power in the same way as the state, the lack of formal recognition from the international system undermines their legitimacy and hence claim to formal sovereignty.[78] This does not imply that international actors reject dealings with rebel movements (for they certainly do not), rather that formal recognition of membership in the international community is rarely granted any rebel movement until and unless it is likely that they will be taking over as the juridically-recognized sovereign power.[79] Thus, while it may be true that non-state actors can claim, using Krasner's terminology, both domestic and interdependence sovereignty, their inability to claim neither Westphalian nor, more importantly, international

legal sovereignty renders them a different phenomenon than statehood.

Since the rebel movement does not merely replace the sovereign state in the territory under their control, what then are the dynamics of power present? The notion of state sovereignty organizes power *vertically* with the state at the apex. Even when we acknowledge that power may not be located solely with the state as is obviously the case in many parts of Africa, we don't need to render it irrelevant. As Reno points out, the instrumental value of the state, even minimally capable ones, to international actors who seek the legitimacy only a recognized state can offer, undermines rebel movements' ability to successfully replace the state as sovereign.[80] Reno's argument may indeed be accurate, but it begs the question if the state is incapable of exerting sovereignty beyond legitimating international transactions, then who does control power? When I describe sovereignty as being parcellized, I am pointing to a different dynamic in conflict zones in which power is arranged and legitimated *horizontally* amongst actors of varying strengths who interact and compete with each other in what I described earlier as a complex web of dialogical relationships.

This is a key component of my theoretical framework and requires additional explanation. Distinguishing between vertical and horizontal articulations of sovereignty is the determining factor that separates the notion of parcellized sovereignty from other, partial forms of sovereignty that may exist widely in Africa. A vertical articulation of power, following Claude Ake, is the condition in which the state is the most powerful actor within a specific territory. However, this does not imply that there will be no horizontal articulations of power. Rather, these concepts should not be viewed as mutually exclusive, for the primacy of the state within a specific hierarchy actually triggers the horizontal dimension in which actors organize in order to challenge the powers of the state.[81] Actors organize horizontally within various social formations such as

political parties or commonly in Africa, ethnic associations. Thus, the state's own emphasis on vertical supremacy triggers the horizontal reactions that can forcefully emerge in conflict situations, reducing the primacy of the state and rendering it just another actor within this horizontal dimension. Drawing from this distinction, I argue that in conflict situations, sovereignty is parcellized between various actors, versus the centralized form of sovereignty found in non-conflict situations.[82]

There are a few theoretical issues that must be clarified. First, in my view, sovereignty in Africa is Janus-faced, divided between the actual ability to project power and recognition of an actor's right to do so.[83] However, while, as already noted, certain states can continue to exist with only minimal empirical control over their territory due to international norms, non-state actors must emphasize their actual ability to exert control in order to claim a form of sovereignty. The other "face" of sovereignty—recognition by external actors—is contingent on their ability to project power, thus reversing the formulation so often ascribed to African states. Second, not only do non-state actors take on the role of governing usually associated with the state's prerogative, they also make claims to represent the interests of some constituency narrowly defined.[84] Representation is important in that, as discussed earlier, formulations of sovereignty rely on a defined population over which an actor claims responsibility. Third, the notion of actors being arranged in a web with sovereignty parcellized between them is meant to convey the non-hierarchal, horizontal nature of relations between actors in a conflict zone. Since power is the primary determinant of how territories are delineated between rival actors, each actor relates to each other more like states in the international system. To be clear, the argument is not that these arrangements are rigid. In fact, the opposite seems to be true with rebel movements often splintering, native authorities emerging and declining, and various other actors such as criminal

networks, multi-national companies (MNCs), private
security firms, neighboring states, international agencies,
non-governmental organizations (NGOs) and even
churches claiming power in distinct ways.

Still, there seems to be at least two types of actors
who can emerge as quasi-sovereigns in the absence of
the state. Both rebel movements and native authorities
can seep into the space left open by the state, though in
distinct manners. A rebel movement may even be
synonymous with a native authority, or co-opt one as
necessary or compatible. However, the degree to which
each replicates state sovereignty varies as do the
mechanisms that reinforce them, though there is certainly
much overlap. A third type would include MNCs,
churches, international agencies and NGOs, though they
do not match our definition of sovereignty in the same
way. We'll consider each in turn.

As discussed earlier, one of the more lasting
legacies of colonialism in Africa was the network of local
authorities endowed with some degree of power both
traditional and modern that exist alongside the modern
state, a form of government Richard Sklar has called
"mixed polities."[85] Pierre Englebert has shown how the
Buganda have developed a system with "a king, a
parliament, a government, an administrative structure,
buildings, representatives deep in the country and abroad,
symbols and an ideology... most of the political institutions
which characterize states, short of the recognition of its
sovereignty by others."[86] Englebert asserts there are limits
to how far traditional polities can challenge the state, a
relevant point considering he is examining the role of
the Buganda in Uganda. In fact, Englebert views the
state as proactively limiting the capacity of the traditional
authority. But what happens when either the state does
not have the military capacity to enforce its pre-eminence
in the same way President Yoweri Museveni does in
Uganda, or in situations from which the state has
retracted due to a civil war?

Without a state politically, militarily and economically imposing its will from above, traditional authorities can emerge as sites of authority, serving as a de facto sovereign over a specific territory and population. For example, after the disintegration of the Somali state, clan-families became the hub around which social and political life was organized.[87] In Eastern Congo, an area we will discuss in greater length later, several Native Authorities have responded to the situation of instability by developing their own militias.[88] Thus, not only can traditional authorities provide services to specific populations within a defined territory, they can also develop a coercive capacity in response to state retraction.

Clearly, rebel movements (assuming they are not affiliated with a specific traditional authority) do not have the same claim to representation nor do they have the institutional structures that traditional authorities often do. They do, however, have a coercive apparatus. Using a minimalist Weberian definition of the state, the ability to exert a monopoly of force over a specific territory clearly qualifies a rebel movement as resembling qualities integral to any definition of sovereignty. But rebel movements also go further, setting up quasi-institutions that resemble and function like their state counterparts. They can also build infrastructure. In Sudan, the SPLA/M runs schools, hospitals, and provides other basic social services long abandoned by the state. A rebel movement may also develop an impressive financial network that draws on interactions with the international finance community, diasporic trading networks, illicit smuggling of natural resources, and patronage from other states. For example, in Angola, UNITA forces at their peak in 1993, were earning over $1 billion a year from gem exports for which an impressive series of financial and other institutions had to be developed.[89] In Sierra Leone, the RUF received revenue from their control of diamond mines in the east of the country which required them to link into a complex network of peasant miners, rebel

soldiers, Lebanese traders, smugglers, South African multi-nationals and finally western consumers.

Why don't rebel authorities seek power at the center? Within the broader structural conditions of a conflict zone, the individual preferences of rebel leaders will seek to maximize their relative power. In a situation of parcellized sovereignty, it may actually serve the interests of the rebel movement to *not* seek state power, instead focusing on developing their on-the-ground capacity. In this conception, seeking formal approval from the "international community" is unnecessary and potentially detrimental as these movements are rarely capable of garnering respect from the entire population of the state, even if they are able to gain legitimacy within a specific territory. The formal international community (represented through the United Nations or other such multi-national organizations) is rarely willing to recognize new authorities, until a movement effectively establishes itself as the sole power within a recognized territory.[90] As a consequence, rebel movements have little use for recognition from the formal international community, preferring a much more instrumental relationship with international actors which I explore further below.

A third form of quasi-sovereign that can emerge in conflict zones are MNC's, churches, international agencies and NGO's, though they do not exert power in the same way as the other actors discussed above. Ronald Kassimir has argued that non-state actors can play both a role in governance while also claiming a distinct population to represent.[91] Of course, according to the Weberian view of the state, only violence is the sole prerogative of the state, thus actors claiming representation and governance do not necessarily challenge the state's sovereignty. Still, Mariella Pandolfi has hinted at new forms of what she calls "mobile sovereignty" in conflict situations characterized by the ceding of empirical sovereignty to a "transnational mobile apparatus" that moves from crisis to crisis.[92] And in some

cases, such actors do develop coercive capabilities,
employing security firms to ensure their safety and
autonomy.[93]

Although most of the above description is
concerned with the empirical ways in which a form of
sovereignty is legitimated in conflict zones, it also hints
at the way the international community legitimizes the
behavior of such actors. As mentioned in the introductory
anecdote, multi-national companies, international
agencies, and NGOs negotiate directly with non-state
authorities. Operating in conflict zones under rebel
control, they are centrally concerned with navigating the
tricky terrain of power, not respecting the intricacies of
international norms. They interact openly with rebel
movements, local authorities and civil society leaders,
neighboring states, private security companies; anything
necessary to ensure the success of their mission. William
DeMars has described the relationship between rebel
movements and NGOs as a "tactical interaction," in which
both sides benefit from their relationship with the other.[94]
This relationship is predicated on the NGOs need for
desperate populations to provide services to, and the rebel
movement's desire to use NGOs to provide to the
populations under their control. The ability to skim off
services provided by NGOs to strengthen the movement
itself is also attractive.[95] For example, as far back as the
1967-1970 Nigerian Civil War, Caritas, a British-based,
Christian relief agency provided extensive material
support for the Biafran rebel movement, going as far as
to lobby on their behalf to the world community.

Relationships with international agencies also
shore up the legitimacy of rebel movements and
traditional authorities. In Northern Uganda, where the
Lord's Resistance Army has battled the Ugandan
government for over a decade, the World Bank is now
working directly with traditional authorities to push
forward the peace process with a $116 million project to
promote "community reconciliation and conflict
management."[96] The goal of the project, according to

Adam Branch, is to "re-vitalize and strengthen the 'traditional' chiefs system, creating a hierarchy of chiefs to 'promote community-based development and aid in social rebuilding and reconciliation.'" This example points to the ways in which the global can produce the local and vice versa, and is by no means an isolated case.[97]

These groups also interact diplomatically with other states, especially neighboring ones in the aftermath of the Cold War. African civil wars often trigger a strong interventionist tendency from neighboring states concerned about the impact of conflicts on their own countries.[98] State interventions occur on both sides of a conflict and can lend credence to rebel leaders who associate directly with Presidents of neighboring countries, angling for recognition, and in return offering spoils, such as access to resources or support in dealing with their legally-sanctioned counterparts. For example, during the protracted conflict in Angola, numerous state leaders had close relations with Jonas Savimbi, the rebel leader, who even traveled to the United States to meet with President Reagan.

These processes linking rebel movements and traditional authorities to broader global forces are similar to those described by Bayart's notion of extraversion in which state elites are able to consolidate their power through interactions with the international community, whether other states, transnational corporations or international organizations. They also resonate with Guyer and Callaghy's conception of the role of the international community in sustaining societal actors outside the purview of the state. More recently, analysts have highlighted the importance of "transboundary formations" which "link global, regional, national, and local forces through structures, networks, and discourses that have wideranging impact, both benign and malign, on Africa, as well as on the international community itself." According to this argument, such interactions "play a major role in creating, transforming, and destroying forms of order and authority."[99] The fact that

many transboundary formations are composed of actors
generally considered under the auspices of civil society,
on one hand provides support for the notion that power
can be exercised and legitimated by civil society actors,
while on the other hand, it fundamentally alters the
formulation with its reference to non-state actors.

What then is the role of states in areas from which
it has ceded sovereignty? The conception of parcellized
sovereignty is phenomenologically different from
conceptions of the state, each implying distinct forms of
authority. The premise of this paper is that the emergence
of particular types of conflict that initiate state retraction
require an alternate framework for evaluating social,
political and economic interactions. In this context, states
can play a variety of roles, though rarely in any
traditionally ascribed manner. States are rarely
powerless. In some conflict zones, states are able to
manipulate various actors that better serve their own
interests within the region. However, even if its actual
ability to project empirical power is limited, the state, at
the very least, always retains some degree of symbolic
power.[100] It may be more useful to describe it as existing
in both a situation of mutual accommodation as well as a
specific type of disengagement. The state in this context
is part of the set of dialogical relationships described
earlier as a complex web tying together various power
vectors. Specifically, while states may not exert control
in any meaningful manner over conflict zones, they can,
and often do, play a mediating role between global and
local forces.[101]

If we are to accept the preceding framework for
understanding politics in conflict zones, the question
remains as to how to recognize this dynamic when we
see it. Obviously, this is a much more difficult task of
which this paper represents merely a starting point. A
case study of the Democratic Republic of Congo, perhaps
the most ideal example of parcellized sovereignty, follows,
and is meant to demonstrate the unique dynamic
discussed in this paper. I will conclude with suggestions

for further research, specifically focusing on ways to assess the presence of this dynamic and the further implications of this sort of research.

War in the Democratic Republic of Congo

Ernesto "Ché" Guevara arrived in Africa in April of 1965, barely a year after a civil war had been initiated by a rebel force under Pierre Mulele. Mulele, a deputy of the assassinated Prime Minster Patrice Lumumba, followed his leader to an early grave in 1968, by which point Joseph Mobutu had consolidated his control over the country he renamed Zaire. Guevara, meanwhile, spent close to two years in the eastern part of the Congo working with the rebel forces of Joseph Kabila who had taken control of territory in the eastern part of the Congo. Guevara's account of the war is stunning in that much of the realities that he faced on the ground are similar to dynamics that we see in this latest conflict. In his journal, Guevara highlighted the role of external state actors in supporting both the government and rebel sides. He emphasizes the difficulty of Congo's political geography and the importance of non-state actors in shaping society in the eastern part of the country. He also discusses at length the inability of the rebel movement to provide basic services like education and health that, he believed, could have fostered loyalty amongst the populations they professed to be fighting for. Most relevantly, Guevara's strategy in the Congo was to take advantage of the territory opened up by Kabila, a "liberated zone," away from the control of the state and administered by Kabila's movement, and use it as a training ground for both Congolese and other rebel movements.[102]

Numerous commentators have examined at length the "deflation" of the Congolese state under the regime of Mobutu Sese Seko (*nee* Joseph Mobutu) from 1965 to 1997, stressing the ways in which the state progressively retracted from vast areas under its *de jure* control.[103] It is generally agreed that the end of the Cold War and the

end of Mobutu's ability to derive both legitimacy and resources through his western patrons triggered a series of events that, in time, resulted in the progressive weakening of the Zairian state. In a country the size of Western Europe, Mobutu's regime eventually retracted from vast territories, particularly in the east, spurring the development of original institutional forms to compensate.[104] In addition, Mobutu never dismantled the system of indirect rule that characterized Belgian colonial rule, instead exacerbating and manipulating ethnic schisms as a political strategy for protecting his own rule.[105] Thus, traditional authorities were co-opted within a neo-patrimonial system allowing Mobutu to retain control over the rural populations of eastern Zaire, while perpetuating an ethnically biased system of rights blatantly modeled on colonial policies of domination.

One of the consequences of this approach was an ambivalence on the status of the Kinyarwanda speaking communities,[106] who were left without a native authority nor a corresponding territory without which their claim to Congolese-ness was rendered irrelevant.[107] The status of this community became one of the key triggers for Rwandan and Ugandan intervention in the Eastern Congo as defeated Hutu militias from Rwanda's civil war in 1994 launched attacks across the border from UNHCR camps, as well as unleashing violence on the Banyamulenge Tutsi communities already present in the region.[108]

From the beginning then, the conflict in the Democratic Republic of Congo has been constitutively transnational in nature. Mobutu's demise came at the hands of the *Alliance des forces democratique pour la liberation du Congo* (AFDL) of Laurent Kabila[109] who, with significant support from Ugandan and Rwandan forces, marched all the way to Kinshasa from its bases in eastern Congo in less than seven months in 1997. Although Kabila was initially welcomed by a weary Congolese populace, the internal conflicts over who would rule the newly renamed Democratic Republic of Congo

combined with Kabila's increasingly autocratic tendencies, rendered the regime remarkably reminiscent of its predecessor. Like its predecessor, the regime was unable to meet the needs of both the Congolese population and the regimes of its original sponsors in Kigali and Kampala who were concerned about the worsening situation on their Western flanks—the motivation for their initial desire to intervene.[110]

Rwanda, in particular, under the de facto Tutsi leadership of Paul Kagame, was increasingly alarmed by the inability of the Kabila regime to effectively deal with the numerous Hutu militias (dubbed the "interahamwe" or "those who work together") roaming the Eastern Congo with increasing impunity. This triggered a second rebellion a little over a year later characterized by a barely coherent assortment of rebel forces variously drawn from disgruntled Congolese soldiers and dissidents, as well as the Ugandan and Rwandan armies.[111] Although initially unified under the auspices of the *Rassemblement Congolais pour la Democratie* (RCD) under the exiled Congolese intellectual, Ernest Wamba-dia-Wamba, the fractious rebellion soon splintered into a variety of factions. Under the patronage of Yoweri Museveni, the Ugandan president, Jean-Pierre Bemba, a millionaire businessman, launched the Mouvement pour la Liberation du Congo (MLC) and quickly gained control of *Orientale* province in the north of the country. The RCD split into at least three recognizable factions.[112] The RCD-Goma currently under Adolphe Onusumba which retained most of the original forces and is allied with Rwanda, the RCD-Kisangani under a much weakened Wamba-dia-Wamba, which eventually transformed into the the RCD-ML under Mbusa Nyamwisi and is currently allied with Uganda.

Each rebel movement is able to exert varying degrees of control over distinct pieces of territory within the Congo. Denis Tull has articulated the commonalities between the Mobutuist state and non-state actors in contemporary Congo, arguing that both have relied on

patrimonial strategies in the face of weak legitimacy, and
extraversion in order to garner recognition and support
from external actors.[113] In addition to support from
neighboring countries, they draw resources from foreign
enterprises, which, according to one Congolese
intellectual, "make deals with whoever controls a mineral-
rich territory."[114] According to the UN, as many as 85
multinational companies are profiting from the conflict
in some way.[115] This paper began with the example of
the RCD-ML's failed deal with the First Bank of Grenada,
but there are many other examples which met with more
success. For example, the AFDL received a payment of
$50 million from Consolidated Eurocan Ventures, a
Canadian firm, for rights to copper and cobalt in the
country.[116] During this period, Coltan, a rare mineral
used in cell phones amongst other technologies and found
in eastern Congo went through a meteoric price rise from
$30 a pound to $240 per pound in 2000 before crashing
back to earth by the end of 2001. The various RCD
factions were able to extract significant resources from
Coltan mining by levying licensing fees and collecting
taxes.[117] Eastern Congo is also home to valuable deposits
of oil, gold and diamonds, all being fought over by the
various rebel movements, ethnic militias, and neighboring
regimes.

Alongside the rebel movements, native authorities
have also developed coercive capacities, particularly in
the Kivu region. Among these are the widely discussed
Mayi Mayi who drew warriors from the Bahunde and
Batembo. It also includes the Ngilima and the Kasingien,
both of which were made up of Banande soldiers, and
the Katuko drawn from Banyanga youth.[118] In addition,
both the Hema and Lendu have raised ethnic militias
and have engaged in fierce fighting with each other.[119]
This conflict broke out despite their location on the border
with Uganda and despite their being within the territory
claimed by the MLC. In fact, the Hema, who are one of
Congo's three hundred ethnic groups, have evolved into
the Union of Congolese Patriots (UPC) under the

leadership of Thomas Lubanga, demonstrating how the lines between native authorities and rebel movements can be blurred in times of war.[120] After initially being allied with the Ugandan supported MLC and RCD-ML, the UPC has now aligned with the RCD-Goma, the Rwandan-backed group.

Traditional authorities can also align with rebel movements in an example of the horizontal legitimation strategies of non-state actors typical of parcellized sovereignty. For example, in North Kivu, an NGO called *Tous pour la Pait et le Development* (TPD) run by a Hutu leader, Eugene Serufuli, is closely aligned with the reigning RCD movement and working on jointly defined goals. Primarily, the TPD has been engaged in the resettlement of Banyarwanda refugees to the sensitive Masisi area of eastern DR Congo. For this task, the TPD has also drawn on external resources from the Rwandan government and international donors.[121]

The *de facto* partition of the Congo has been a reality for at least 4 years since the RCD first launched an attack on Kabila in 1998. More than 50% of the territory of the country lies outside the control of the Kinshasa regime, and for better or worse, large populations in the east and north of the country have been under the control of non-state actors. What prevents them from replicating the state? Englebert argues that Rwandan and Ugandan interests are best met by ensuring weak rebel authorities.[122] The reliance of the RCD on Rwanda and the MLC on Uganda certainly prevents each from developing into states, however, a secondary factor is related to the idea that what constitutes sovereignty is not only effective control over a population and territory, but also recognition of an actor's authority by the international community. None of the non-state actors have been able to garner formal recognition from the international community, shoring up the claim that Rwanda and Uganda prefer a situation of parcellized sovereignty in eastern Congo as it allows them to operate within the region with relative impunity.

Conclusion

The goal of this paper is to provide a preliminary approach to understanding the politics of conflict zones. I particularly want to understand the specific ways that the various actors claim power, interact with each other and how the international community supports and influences this dynamic. Looking for coherent expressions of sovereignty by clearly defined state authorities precludes an understanding of the nuanced ways power is exercised in Africa, especially when the dynamic is altered substantially by conflict.

The new forms of sovereignty encapsulated by the idea of parcellized sovereignty emphasize the empirical abilities of an actor to exert power, but also point to ways that claims to power by non-state actors are acknowledged, and even legitimized. Granted, the concept of parcellized sovereignty requires a thin definition of sovereignty, but if we accept Young's proposition that the post-colonial African state is incomplete like the colonial state whose form it adopted, then we must recognize that sovereignty in Africa (and much of the developing world) may always be exercised partially, or at least, never quite in sync with its European variant. What these new political formations demand is a clear understanding not only of their positive dimensions, but their normative implications as well. This is particularly important for scholars of Africa since many of the mechanisms discussed in this paper have transnational implications and are shaped as much by global as local forces.

Clearly there is a political logic to the ways in which the international community involves itself in conflict zones, but their actions betray a certain utilitarian rationale which can undermine the ideal of establishing democratic rule in any of these countries if and when they return to the nation-state framework. As each actor in a conflict zone develops more and more real powers

over a territory and population, the decision by the international community to support these formations may prove exceedingly short-sighted. As these actors build their respective powers away from the state, the ability of the state to reassert its supremacy in the event of a cessation would require an ever increasing coercive ability, or a willingness to accept a vastly circumscribed role. Again to draw on Young, African states have already over emphasized their coercive capacities and any dynamic which further emphasizes coercion can only be detrimental.

Furthermore, the politics of conflict zones may actually influence the nature of politics within areas under the state's control as well. The particular transboundary formations at work in conflict zones will inevitably influence or even reproduce within the state to varying degrees. As states are forced to concede more and more empirical sovereignty to non-state actors who consistently challenge their authority, while at the same time ceding territory, economic resources, portions of their populations, and military capacity, their overall ability to rule will inevitably be undermined. Explaining the concept is certainly a large project, but considering the impact of conflict on African states, it is well worth pursuing.

Acknowledgements

Notes

[1] Englebert, Pierre. *Why Congo Persists: Sovereignty, Globalization and the Violent Reproduction of a Weak State.* Paper written for the Queen Elizabeth House Carnegie Project on "Global Cultural and Economic Dimensions of Self-Determination in Developing Countries." November, 2002.

[2] Throughout this paper I use the term "juridical" to denote activities directly based on the legal realm, either constitutionally or through some sort of charter, and which are recognized as such by other actors who operate as legal entities. See Callaghy, Thomas, Ronald Kassimir and Robert Latham "Introduction: transboundary formations, intervention, order, and authority." p. 15. In Callaghy, Thomas, Ronald Kassimir and Robert Latham, eds. *Intervention and Transnationalism in Africa: Global Networks of Power.* Cambridge: Cambridge University Press, 2001.

[3] Power is the ability of one actor to manipulate through constraints the behavior of another. An actor's power is best illuminated through its relations to other actors, which is the approach we will take in this paper.

[4] Munro, William. "Power, Peasants and Political Development: Reconsidering State Construction in Africa." *Comparative Studies in Society and History.* Vol 38, No. 1 (January, 1996). p. 116.

[5] Tilly, Charles. *Coercion, Capital, and European State, AD 990-1990.* Cambridge: Basil Blackwell, 1990. p. 14.

[6] Ibid, p. 20.

[7] Mann, Michael. *The Sources of Social Power: A History of Power from the Beginning to A.D. 1760, vol.1.* Cambridge: Cambridge University Press, 1986.

[8] Munro, p. 119.

[9] Centeno, Miguel. "Blood and Debt: War and Taxation in Nineteenth Century Latin America." *American Journal of Sociology.* Vol. 102, No. 6 (May, 1997).

[10] Centeno, p. 1589.

[11] Several states like Nigeria and Mozambique could be viewed as following more closely the Tilly pattern as some have argued that civil wars actually helped centralize power.

[12] Jackson, Robert. *Quasi-states: Sovereignty, International Relations and the Third World.* Cambridge: Cambridge University Press, 1990.

[13] Herbst, Jeffrey. *States and Power in Africa.* Princeton: Princeton University, 2000. p. 106.

[14] Ibid, p. 104.

[15] A vast minority of independent Africa's conflicts have been explicitly inter-state, though as I have discussed elsewhere, the line between civil wars and inter-state wars is exceedingly thin in Africa as most civil wars tend to draw in neighboring states. Mampilly, Zachariah. "Rethinking Interventions in Africa: How External State Actors Shape Civil Wars." October, 2002.

[16] Anderson, Perry. *Lineages of the Absolutist State.* London: Verso, 1974. p. 19.

[17] See for example, Zartman, I. William, ed. *Collapsed States: The Disintegration and Restoration of Legitimate Authority.* Boulder: Lynne Rienner, 1995.

[18] Mamdani, Mahmood. "Understanding the Crisis in Kivu: Report of the CODESRIA Mission to the Democratic Republic of Congo September 1997." Available online at http://www.bard.edu/hrp/events2000/Mamdani2.htm. 1998.

[19] Bayart, Jean-Francois. *The State in Africa: The Politics of the Belly.* London: Longman, 1993.

[20] Bayart refers to this process as "reciprocal assimilation." (p. 150)

[21] Ibid, p. 34.

[22] Ibid, p. 233.

[23] Ibid, p. 76.

[24] Ibid, p. 78.

[25] Ibid, p. 240.

[26] Ibid, p. 261. Bayart's influence can be seen on a whole variety of Anglophone and Francophone authors

including Patrick Chabal, Achille Mbembe, William Reno, and Pierre Englebert and to a lesser degree Jeffrey Herbst, and Christopher Clapham.

[27] Munro, p. 122.

[28] Callaghy, et al, p. 15.

[29] Reno, William. "Mafiya Troubles, Warlord Crises." In Young, Crawford and Marc Beissinger. *Beyond State Crisis? Postcolonial Africa and Post-Soviet Eurasia in Comparative Perspective.* Washington, D.C.: Woodrow Wilson Press Center, 2002. See also Reno, William. *Warlord Politics and African States.* Boulder: Lynne Rienner, 1998.

[30] Nest, Michael. "The Evolution of a Fragmented State: The Case of the Democratic Republic of Congo." Working Paper: #1, March 2002. International Center for Advanced Studies, New York University.

[31] The argument about geography shaping African societies has a long pedigree going back at least as far as Hegel and ranging across a variety of disciplines.

[32] Herbst, p. 42.

[33] Ibid, p. 52.

[34] Ibid, p. 252.

[35] Herbst's contention that pre-colonial power in Africa was dispersed is hardly unique as most pre-modern states were characterized by dispersed polities. My thanks to Edmond Keller for pointing this out.

[36] Falola, Toyin, ed. *Tradition and Change in Africa: The Essays of J.F. Ade Ajayi.* Trenton: African World Press, 2000. p. 165. The counter perspective can be found for example in the works of Samir Amin amongst many, many others.

[37] Young, Crawford. *The African Colonial State in Comparative Perspective.* New Haven: Yale University Press, 1994.

[38] Ibid, p. 19.

[39] Ibid, p. 35.

[40] Wunsch, James. "The African Colonial State in Comparative Perspective, Civil Society and the State in Africa." *The Journal of Politics.* Vol. 58, No. 2 (May

1996). pp. 597-602.

41 Young, p. 95.

42 Young actually borrows this term from Christian Coulon and J. Copans.

43 Ibid, pp. 287-289.

44 Ibid, pp. 127-130.

45 Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism.* Princeton: Princeton University Press, 1996. p. 286.

46 Indirect rule was not the only form of rule present in Africa, but eventually became the most common.

47 Mamdani (1998), p. 3.

48 Mamdani (1996), pp. 289-291.

49 Sklar, Richard L. "African Polities: The Next Generation." In Richard Joseph, ed. *State, Conflict and Democracy in Africa.* Boulder: Lynne Rienner, 1999. p. 169.

50 Herbst, p. 194

51 Nor does it preclude the possibility that chieftancies may form the basis of future federal arrangements as advocated by the Buganda in Uganda. See Englebert, Pierre. "Born-again Buganda or the limits of traditional resurgence in Africa." *Journal of Modern African Studies.* Vol. 40, No. 3, 2002.

52 Herbst, p. 270.

53 Chazan, Naomi. "Patterns of State-Society Incorporation and Disengagement in Africa." In Rothchild, Donald and Naomi Chazan, eds. *The Precarious Balance: State and Society in Africa.* Boulder: Westview Press, 1988. p. 121.

54 Chazan, p. 122.

55 Azarya, Victor. "Reordering State-Society Relations: Incorporation and Disengagement." In Ibid.

56 Azarya, p. 7.

57 This is examined thoroughly by Celestin Monga. *The Anthropology of Anger: Civil Society and Democracy in Africa.* Boulder: Lynne Rienner Publishers, 1998.

58 For a useful summary and critique of the literature on civil society in Africa in particular, see Comaroff, John

and Jean Comaroff, eds. *Society and the Political Imagination in Africa*. Chicago: University of Chicago Press, 1999.

[59] Harbeson, John. "Civil Society and Political Renaissance in Africa." In Harbeson, John, Donald Rothchild and Naomi Chazan, eds. *Civil Society and the State in Africa*. Boulder: Lynne Rienner, 1994. p. 15.

[60] Bratton, Michael. "Civil Society and Political Transitions in Africa." In Ibid. p. 59.

[61] Young, p. 24.

[62] LeMarchand, Rene. "Uncivil States and Civil Society: How Illusion Became Reality." *Journal of Modern African Studies*. Vol. 20, No. 2 (June 1992). pp 177-191.

[63] Bayart, p. 150.

[64] Guyer, Jane. "The Spatial Dimensions of Civil Society in Africa: An Anthropologist Looks at Nigeria." In Harbeson, Rothchild, and Chazan.

[65] Callaghy, Thomas. "Civil Society, Democracy, and Economic Change in Africa: A Dissenting Opinion About Resurgent Societies." p. 241. In Harbeson, Rothchild and Chazan.

[66] Azarya, "Civil Society and Disengagement in Africa." In Harbeson, Rothchild and Chazan.

[67] Boone, Catherine. "Empirical Statehood" and Reconfigurations of Political Order." p. 130. In Villalon, Leonardo and Phillip Huxtable, eds. *The African State at a Critical Juncture: Between Disintegration and Reconfiguration*. Boulder: Lynne Rienner, 1998.

[68] Bratton, Michael, and van de Walle, Nicolas. *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. Cambridge: Cambridge University Press, 1997. p. 45.

[69] Forrest, Joshua. "State Inversion and Nonstate Politics." p. 46. In Villalon and Huxtable.

[70] See for example, Callaghy, Thomas. *The State-Society Struggle: Zaire in Comparative Perspective*. New York: Columbia Univesity Press, 1985.

[71] Longman, Timothy. "Rwanda: Chaos from Above." In

Villalon and Huxtable.

[72] Daniel Philpott. "Usurping the Sovereignty of Sovereignty?." *World Politics*. (Vol. 52, No. 2, 2001, pp. 297-324.)

[73] Ibid, p. 312.

[74] Ibid, p. 312.

[75] Krasner, Stephen. *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press, 1999.

[76] Krasner, pp. 11-25. See the insightful reviews by Benedict Kingsbury in *The American Journal of International Law*, (Vol. 94, 2000, pp. 591-595); and Philpott (2001).

[77] I put these terms in quotes since it is impossible to break the law in an area where no law applies.

[78] Clapham, Christopher. *Africa and the International System: The Politics of State Survival*. Cambridge: Cambridge University Press, 1996.

[79] Reno, William. "How Sovereignty Matters: International markets and the internal political economy of local politics in weak states." In Callaghy, Kassimir, and Latham.

[80] Ibid.

[81] Ake, Claude. *The Feasibility of Democracy in Africa*. Dakar: CODESRIA Press, 2000. pp. 116-118.

[82] There are non-conflict situations that can resemble parcellized sovereignty, but the key distinction is that in a situation of parcellized sovereignty, non-state actors have made a direct challenge to the state's coercive power and proven that the state no longer has control over them. I am grateful to Dan Posner for pointing out this distinction.

[83] Jackson, Clapham.

[84] Kassimir, p. 95.

[85] Sklar, Richard. "The African Frontier for Political Science." In Bates, Robert, V.Y. Mudimbe and Jean O'Barr, eds. *Africa and the Disciplines*. Chicago: University of Chicago Press, 1993.

[86] Englebert, 2002a. p. 351.

[87] Adam, Hussein. "Clan Conflicts and Democratization

in Somalia." In Glickman, Harvey, ed. *Ethnic Conflict and Democratization in Africa.* Atlanta: African Studies Association Press, 1995. See also Simons, Anna. "Somalia: The Structure of Dissolution." In Villalon and Huxtable.

[88] Mamdani, 1998.

[89] Reno, 1995. p. 64.

[90] This has been a long tradition from the UN's initial failure to recognize the People's Republic of China to more recent denial of the Taliban regime in Afghanistan despite their relative supremacy within each country, respectively.

[91] Kassimir, p. 109.

[92] Pandolfi, Mariella. "Transitory Identities, Mobile Sovereignties: Humanitarian-Military Technologies and their Discontents." Speech at UCLA, February 3, 2003.

[93] De Waal, Alex. *Famine Crimes: Politics and the Disaster Relief Industry in Africa.* Bloomington: Indiana University Press, 1997.

[94] DeMars, William. "Tactics of Protection: International Human Rights Organizations in the Ethiopian conflict, 1980-1986." In McCarthy-Arnolds, Eileen, ed. *Africa, Human Rights, and the Global System.* Westport: Greenwood Press, 1994.

[95] Clapham, pp. 226-230.

[96] Email communication with Adam Branch. March 5, 2003.

[97] For a more complete theoretical treatment of this subject, see Kassimir, Ronald. "Producing Local Politics." In Callaghy, Kassimir, and Latham.

[98] Krasner, Stephen. "Sovereignty and Intervention." p. 233. In Lyons, Gene and Michael Mastanduno. *Beyond Westphalia: State Sovereignty and International Intervention.* Baltimore: Johns Hopkins Press, 1995.

[99] Latham, Robert, Ronald Kassimir and Thomas Callaghy. "Introduction: transboundary formations, intervention, order, and authority." p. 5. In Callaghy, Kassimir and Latham.

[100] One example of this is Geertz's notion of the Theatre state. I am thankful to Mark Sawyer for pointing out

the connection.

[101] Kassimir, p. 111.

[102] Guevara, Ernesto Che. *The African Dream: The Diaries of the Revolutionary War in the Congo.* New York: Grove Press, 1999.

[103] See for example, Young, Crawford and Thomas Turner. *The Rise and Decline of the Zairian State.* Madison: University of Wisconsin Press, 1985; and Nzongola-Ntalaja. *The Congo from Leopold to Kabila: A People's History.* London: Zed Books, 2002.

[104] International Crisis Group. *The Kivus: The Forgotten Crucible of the Congo Conflict.* Africa Report No. 56. Nairobi/Brussels. January 24, 2003.

[105] In the early 1970's, Mobutu did try to marginalize the native authorities fearing their potential to challenge his authority, but was unable to. Thus he turned to increasingly patrimonial strategies that relied on relationships of exchange to ensure potential challengers had vested interests in the regime's survival. See Young and Turner, 1985.

[106] Entire works have been produced on the Kinyarwanda speaking communities of the Congo. It is a contentious community comprised of both ethnic Hutus and Tutsis and demarcated not only by ethnicity, but also by the timing of their arrival into the region. The Banyamulenge, a community of Congolese Tutsi with roots in the region over 200 years old, is perhaps the most well-known, but the community also includes post-independence Tutsi exiles from Rwanda and genocide-era Hutu refugees. The one thing they all share in common is a perception of foreignness by "indigenous" Congolese, though recent fighting between the Banyamulenge and the Tutsi-led army of Rwanda has shored up the Congolese credentials of the former. See Mamdani, Mahmood. *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda.* Princeton: Princeton University Press, 2001.

[107] Members of ethnic groups without native authorities

were essentially left to the devices of other ethnic groups who were endowed with control over the territories on which they existed.

[108] Mamdani, 2001.

[109] This is the same Kabila that Guevara once fought alongside, though during the Mobutu era, Kabila did not spend his time in the bush, but rather as a small businessman in Dar es Salaam, Tanzania, before being tapped as leader of the AFDL.

[110] The level of involvement of Rwandan forces in Kabila's regime is clear from the fact that the Chief of Staff of the Congolese army was a Rwandan officer named James Kabarebe. In fact, it was Kabila's decision to remove Kabarebe from his position and send him back to Rwanda that precipitated the second war.

[111] Nzongola-Ntalaja, p. 224.

[112] There are actually several more groups operating under the moniker of the RCD including the RCD-National, RCD-Originel, RCD-Authentique, and RCD-Congo.

[113] Tull, Denis. "A Reconfiguration of Political Order? The State of the State in Northern Kivu (DR Congo)." *African Affairs.* Vol. 102, No. 408, July 2003. pp. 429-446.

[114] Nzongola-Ntalaja, p. 236.

[115] *BBC News.* "Resource fight in north-east Congo." March 12, 2003.

[116] Nzongola-Ntalaja, p. 237.

[117] International Crisis Group, p. 23.

[118] Mamdani, 1998.

[119] *BBC News.* "DR Congo Awash with Rebels." July 23, 2002.

[120] Marek, Ed. "Uganda and Rwanda to fight it out in northeastern DR Congo?" Available online at http://www.marekinc.com/EditorNotes030703.html.

[121] Tull, p. 441-443. Tull describes in detail the nature of this relationship in his work. His work indirectly challenges my interpretation of the situation in DRC, implicitly arguing that the rebel movement is replicating the behavior of the state, not functioning within a different paradigm as I contest.

[122] Englebert, 2002b.