

*COLLECTIVE INSECURITY: THE LIBERIAN CRISIS, UNILATERALISM, AND THE GLOBAL ORDER.* BY IKECHI MGBEOJI. VANCOUVER: UBC PRESS, 2003. 186PP, INDEX, BIBLIOGRAPHY. CLOTH \$80.00, PAPERBACK \$24.95.<sup>1</sup>

By Richard Falk<sup>2</sup>

Not long ago I read for the first time Toni Morrison's extraordinary novel *Beloved*.<sup>3</sup> Aside from its literary merit, including the beauty of the language, the book depicts the harsh cruelties of slavery and its aftermath with such vividness and integrity that I found the reading experience both deeply moving and an indictment of my own past ignorance. Not an ignorance of slavery, of course, but of its depraved detailed practices that make one aware of the horrifying impacts on the daily lives of African-Americans. On reflection, this usefully disturbing book led me to a better understanding of how, as a society, we sanitize the ugly realities of the past so as to dull their sharp edges in the present. One result is that American society and its citizenry have never truly come to terms with the deep and persisting moral challenges that slavery continues to pose for present generations. While reading *Beloved*, I concluded that every young person in America, and probably elsewhere, should be required to read and respond to this work of "fiction," so as to grasp more truly the savage "reality" of slavery and racism, and why it continues to leave fresh wounds and defacing scars generations hence.

I had somewhat similar feelings while reading Ikechi Mgbеoji's fine book, *Collective Insecurity*. What, after all, for most of us is "Africa" except a place where terrible things happen now and earlier, where tribal encounters so often produce mass atrocities which frequently take turns toward genocide? Even the most liberal scholarship and media treatments regard Africa as an abstraction—forbidding and hopeless. Mgbеoji is to be commended for helping readers toward a more rewarding and illuminating understanding of the debilitating suffering and strife that has been the fate of so much of this gigantic continent.

*Collective Insecurity* is, in its essence, an exceptional work of engaged scholarship. It does not allow readers to live comfortably within the condescending and moralizing mainstream framework of African studies, which looks down its pointed academic nose at Africa from the commanding heights of Western "morality." Mgbеoji awakens us to a series of uncomfortable truths so well hidden in the lineaments of Eurocentric

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<sup>3</sup> (New York: New American Library, 1988).

African studies, including the deformed historical evolution of colonized Africa as the organic backdrop to the unfolding of various national tragedies. As with Morrison, with respect to slavery as an American practice, every teacher and student of international law should be required to consider Mgbeoji's deeply felt and carefully reasoned alternative narrative of the interplay between African realities and Western humanitarianism. Mgbeoji's presentation, above all, challenges the dominant ahistorical view that the tragedies of Africa are essentially self-inflicted wounds that can only be healed, if at all, by the timely interventions of the civilizationally superior West. It is smugly self-satisfying, and deeply misleading, for the leading states to portray contemporary African conflict as a confirmation of the insistence that Africa is a continent helplessly victimized by its own indigenous barbarism. The further African lie is the claim that it was the European presence in the colonial years that pacified these unruly societies constituted by warring ethnic communities, and it was the attainment of independence that allowed these suppressed tensions to rise once more to the surface. Such a self-serving Euro-American mindset provides a subtle, and sometimes not so subtle, rationalization of the colonial era, and even hints that the institution of slavery acted as a sort of "liberation" from tribal Africa.

Reading Mgbeoji with an open mind should make white Westerners creatively uncomfortable, ill at ease about, if not ashamed of, their self-righteous advocacy of "humanitarian intervention." At the same time, Mgbeoji is distinctly not a polemicist, or someone who indulges a kind of inverted self-righteousness to point an accusing finger at the West. Mgbeoji is above all interested in exposition and analysis. And he is far from blind to African complicity. Mgbeoji repeatedly indicts greedy African elites for contributing to the breakdown of order and civility in a number of African countries during the post-independence era. His account is not ideological or simplistic, but is fully sensitive to the multiple causes of the various current African tragedies. The analysis moves well beyond criticism in search of solutions and a better future.

Mgbeoji is dedicated to reconstructing a positive future for Africa based on respect for international law and for the United Nations (UN), providing the UN can be freed from the yoke of geopolitics. This substantial conditional proviso represents a shortcoming of the book, specifically the tendency to ignore political obstacles that are likely to condition the role of the UN for the foreseeable future. Because these obstacles are noted, but their removal neglected, there is a certain legalistic tone present when

Mgbeoji turns from analytic exposition to prescription.<sup>4</sup> For instance, Mgbeoji warns that regional initiatives in Africa set a dangerous precedent if validated only after their occurrence, rather than in advance as required by Article 53 of the UN Charter. But he gives us no guidance as to what to do in the likely future event that the Security Council sits on its hands while genocide unfolds.<sup>5</sup>

These wider arguments of the book are built around a case study of the emblematic Liberian crisis of the early 1990s, which is approached from the perspective of international law and morality, but also with the benefit of a sense of Liberian history. Mgbeoji indicts the UN, especially its movers and shakers, for their racialist approaches to African misery, taking particular note of the blind eye gaze of the United States in 1994 directed at the massive genocide taking place in Rwanda. At the same time, Mgbeoji is sensitive to the difficulties of adapting the UN Charter, designed to protect the peoples of the world from the recurrence of war between sovereign states, to the series of challenges associated with imminent and ongoing humanitarian catastrophes that are essentially situated within the borders of a sovereign state. The social contract underlying the UN Charter deliberately prohibits in Article 2(7) the Organization from intervening in matters within the domestic jurisdiction of states unless the circumstances taking place pose a threat to international peace and security. We need to recall that when the UN was established in 1945, it was a Westphalian world in the primary sense that state actors were unwilling to cede control to any global institution with respect to matters taking place within their borders. Since 1945, attitudes and practices have changed, influenced by the rise of international human rights, and by a more aware public opinion that experiences humanitarian catastrophes in real time thanks to television. The advent of a multi-faceted globalization has also seemed to make it artificial to allow states to do whatever they wish to their own citizens. As the International Commission on Intervention and State Sovereignty that was charged with addressing these issues concluded, there exists on an international level the responsibility to protect populations exposed to catastrophic challenges that the territorial government is unwilling or unable to address.<sup>6</sup>

But Mgbeoji makes us keenly aware of serious problematic aspects of this normative evolution, which has taken place mainly in Europe and

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<sup>4</sup> See especially *supra* note 1 at 103-45.

<sup>5</sup> See *e.g. supra* note 1 at 141-42.

<sup>6</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, UN SCOR, 2001.

North America. For one thing, as with colonialism and the slave trade, only Third World countries are made the object of this new high-minded phase of interventionary diplomacy. In this respect, pretexts of humanitarian motivation are perceived as post-colonial excuses to reassert control over the same areas of the world that had been ruled by European countries in the colonial era. Beyond this, there exists a high degree of selectivity with respect to which humanitarian catastrophes engage the UN system and command resources, and which are allowed to fester unattended as gaping wounds. Mgbeoji contrasts the rather intense preoccupation of the UN during the breakup of Yugoslavia with its shallow concern in responding to the much deeper and quantitatively greater challenges arising out of the African reality at the same time. Of course, Western commentators have been critical, especially in the setting of Bosnia, of the failure by the UN to do anything substantial to protect the victimized population in the face of Serbian ethnic cleansing.<sup>7</sup> Mgbeoji calls our attention to the eagerness of the United States in 1999 to mount a major intervention under the auspices of NATO on behalf of the people of Kosovo, without even any proper authorization from the UN Security Council. Yet, a few years earlier, it turned its back on Rwanda, and continues to do little about the ongoing multiple crises in the Great Lakes region of Africa.

Mgbeoji is sensitive to the strategic priorities that drive geopolitics in directions that are antithetical both to the well-being of people and to the discipline of a legal framework consisting of rules and standards. In this regard, he is reluctant to bypass the UN Charter framework for the alleged purpose of promoting humanitarian claims involving intervention and encroachment on sovereign rights. Mgbeoji is highly critical of the Kosovo intervention because it was an undertaking that proceeded without a proper legal authorization from the Security Council. It is well-established that the United States and its allies in Europe, anticipating a veto by Russia and China, went ahead with their intervention, thereby violating Article 53 of the UN Charter. Mgbeoji believes that Kosovo has established a bad precedent that gives “coalitions of the willing” virtually a free rein to intervene where and when they so desire. This well-founded ethos of suspicion is also relevant to the post-intervention reconstruction process that usually involves imposing neo-liberal discipline on the “beneficiary” of humanitarian intervention, as well as opening up a country to exploitative forms of private investment. Anne Orford makes this argument tellingly in

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<sup>7</sup> See David Rieff, *Slaughterhouse: Bosnia and the Failure of the West* (New York: Simon & Schuster, 1995).

her powerfully argued book, *Reading Humanitarian Intervention*,<sup>8</sup> which is a useful and reinforcing complement to *Collective Insecurity*.

Part of the originality of Mgbeoji's approach is to be simultaneously critical and supportive of international law and of UN procedures authorizing the use of force. On the one side, he believes that the Security Council will never be able to do its job properly unless a way is found to liberate its operations from manipulation by geopolitical forces. Until this day arrives, opportunistic expansions of interventionary practice should be generally opposed, and in extreme circumstances subjected to critical scrutiny. In this regard, Mgbeoji strongly advocates strict adherence to the guidelines of the UN Charter and international law as ways to constrain the play of geopolitical forces in world affairs. At the same time, he believes that the UN should be drastically reformed to take account of developments of the last several decades that have blurred the line separating international and intranational warfare. Mgbeoji does not want to suspend the operation of the existing rules and procedures of regional and global institutions until the UN is able to fashion responses to pleas on behalf of vulnerable peoples that are not subject, as is currently the case, to the vagaries of geopolitics.

The sophisticated and detailed treatment of the Liberian case puts flesh and blood on these more abstract positions on global policy. Mgbeoji clearly shows the historical backdrop of the civil strife in Liberia arising from American encouragement of a black colonizing movement as a self-interested way of coping with the freeing of the slaves after the American Civil War. The returning American blacks immediately oppressed and exploited the majority indigenous, ethnically distinct, African population of Liberia, while building on the basis of absurd degrees of mimicry, an African republic that resembled the United States as closely as possible. It was this abusive minority rule by an alien elite, along with the artificiality of Liberian borders that had been fixed in the nineteenth century by the colonial powers with a total disregard for the ethnic contours of the population, that overlapped Liberia's borders with its neighbours. It was against such a backdrop in the 1990s that a full-scale international civil war erupted in which the opposing factions engaged in repeated atrocities, relied on child soldiers, and subjected the population to a dreadful ordeal fueled by tribal participation that did not correspond with the borders of the sovereign state of Liberia.

Despite the severity of the humanitarian crisis, the UN system was not prepared to act, and when an initiative was finally organized under the

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<sup>8</sup> Anne Orford, *Reading Humanitarian Intervention: Human Rights and the use of Force in International Law* (Cambridge: Cambridge University Press, 2003).

leadership of Nigeria, it assumed a regional character, undertaken in the name of the Economic Community of West African States (ECOWAS) Monitoring Group (ECOMOG). This regional peace force intervened in Liberia without any prior authorization from the Security Council, thereby violating Article 53 of the UN Charter. The flimsy legal arguments mounted to rationalize the intervention at the time were to the effect that Samuel Doe, leader of the Liberian government, had requested the ECOMOG presence, and that intervention by invitation was acceptable if genuine, that is, neither coerced nor fraudulent. Mgbeoji was not comfortable with this legal rationalization, as Doe was himself a leader responsible for numerous crimes against humanity, and was not in control of more than a fraction, perhaps less than 10 per cent, of Liberian territory at the time of the request. The situation was further complicated by Mgbeoji's worry that Nigeria was an aspiring regional hegemon, and this Liberian precedent would lend legitimacy to its geopolitical ambitions. The UN Security Council and UN General Assembly lent a post-hoc validity to the intervention as a constructive peacekeeping initiative, encouraging the ECOMOG to continue its efforts, and offering assistance. Again, Mgbeoji is troubled by such a process of authorizing seemingly illegal uses of force after the fact, believing that it weakens the struggle to remove legal discretion from the state to use force except in circumstances of self-defense as set forth in Article 51.

I am not sure how to assess Mgbeoji's argument as a totality. The parts of the argument are each convincing in isolation, but can they stand up when fitted together as a coherent whole? If the actions of the UN are shaped by strategic priorities associated with geopolitical ambitions of leading actors, how can international law exert a consistent influence? If the UN is indicted for its selective pattern of response to humanitarian crises, especially to the seeming disadvantage of Africa, should humanitarian claims be rejected altogether? If the delegation of responsibility to regional actors in Africa is an expression of the unwillingness of the UN to take on the troubles of the continent, is this on balance a positive or negative development? Or should such regional initiatives be evaluated on a case by case basis? In effect, until the day that the UN acts in a generally evenhanded and effective manner with respect to UN Charter guidelines, and revises them to make the Organization more independent of geopolitical manipulation, what should be done about unfolding African humanitarian catastrophes? In other words, what is an optimal interim strategy with respect to these issues? I think we need a further book by Mgbeoji to help us respond to these issues that arise in a world in which decision makers and citizens must decide what to support and oppose.

Mgbeoji calls our attention to some serious deficiencies in the

political structure of contemporary Africa. He is aptly critical of the artificial construction of African states that flowed from the Berlin Conference of 1884-85 at which the European colonial powers carved up Africa with scant regard for the boundaries of ethnic solidarity and geographic integrity. Mgbeoji's repeated call for "a reconstructed regime of African statehood"<sup>9</sup> seems highly desirable, except there seems to be no discernible way to get from the here of artificial statehood to the there of legitimate statehood.

In conclusion, Mgbeoji is brilliant in laying out the case for rethinking Africa's place in the world order and specifying how history has handed the peoples of Africa an unplayable hand in the political game of life. He is also persuasive in suggesting what needs to be done within Africa so as to establish better guidelines as to the character of legitimate governance instead of mere control of the capital city and presidential mansion, as well as how regional institutions and the United Nations should carry out peacekeeping operations. For these contributions, we need to read *Collective Insecurity* with care. But to escape from a response of "utopian despair" we need far more guidance as to how to construct a beneficial future for the peoples of Africa than is provided by Mgbeoji in this book. Of course, it is unreasonable to ask for everything to be done at once, and so we impatiently await further reflection and analysis from Mgbeoji, and applaud his achievements up to this point. This seems like a reasonable request, as Mgbeoji sets before us a vision of what a reconstituted African reality will require, and so we seem entitled to ask how to bring it about, given the formidable difficulties of realization. Until that time, I fear that "collective insecurity" will continue to shape the near future as much as it has the present and past.

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<sup>9</sup> *Supra* note 1 at xii.