University of Miami Law School **Institutional Repository**

University of Miami International and Comparative Law Review

10-1-2001

Book Reviews

Susana I. Caro

Ian Illych Martinez

Katrice Jenkins

Michael Karpinski

Yeshimibet Abebe

See next page for additional authors

Follow this and additional works at: http://repository.law.miami.edu/umiclr

Recommended Citation

Susana I. Caro, Ian Illych Martinez, Katrice Jenkins, Michael Karpinski, Yeshimibet Abebe, and David Leon, *Book Reviews*, 10 U. Miami Int'l & Comp. L. Rev. 257 (2015)

 $A vailable\ at: http://repository.law.miami.edu/umiclr/vol10/iss2/20$

This Book Review is brought to you for free and open access by Institutional Repository. It has been accepted for inclusion in University of Miami International and Comparative Law Review by an authorized administrator of Institutional Repository. For more information, please contact library@law.miami.edu.

Book Reviews
Authors Susana I. Caro, Ian Illych Martinez, Katrice Jenkins, Michael Karpinski, Yeshimibet Abebe, and David Leon

VIII. Book Reviews

Ambiguous Order: Military Forces in African States. Herbert M. Howe. Boulder: Lynne Rienner Publishers, 2001. 316 pp. Hardcover \$55.00.

The aim of Herbert Howe's work is to examine possible alternatives in order to increase security in Sub-Saharan African states, as the balance of power has shifted from the state to insurgency groups. Personal rule or, "African solutions for African problems" have weakened the military, according to Howe. (p. 2). Hence, Howe identifies three "military strategies" presently being used to increase security, namely regional intervention forces, private security companies, and Western-sponsored upgrades of state militaries. (p. 2).

Howe describes at length each of his proposed alternatives to increasing security in Sub-Saharan Africa, beginning with an example of regional intervention forces, particularly how the Economic Community of West African States Cease-fire Monitoring Group ("ECOMOG") was founded, and how it became the first permanent multinational peacekeeping force in Africa. (p. 129). According to Howe, the ECOMOG was born of the 1990 Liberian conflict, in which the ECOMOG became the first regional military force with which the United Nations agreed to work as a secondary partner. (p. 131). Howe concludes that the ECOMOG failed as a peacekeeping force in both Liberia and Sierra Leone because of its lack of adequate military capability. (p. 169). Howe specifically points to problems of mandate, uncertain financial backing, and regional unity as long-range problems of ECOMOG. Regardless, Howe states that Western and African states are presently escalating and coordinating their regional peacekeeping resources. (p. 173).

Next, Howe examines private security companies, particularly the former Executive Outcomes ("EO"). Howe depicts mercenaries, or private security companies, not only as primarily combat-oriented, but also as bearers of stability for existing authority. (p. 187). According to Howe, worldwide revenues from private security is estimated at \$202 billion by the year 2010, with South Africa alone having almost 6,000 private security companies. (p. 188). Further, Howe explores possible advantages to using private security groups as opposed to state-sponsored security groups, including a discussion on the ability to largely disregard political and financial costs; the ability to deploy combat units, as opposed to peace-keeping units; use of highly trained combat veterans; and finally, lower costs, as equipment is leased rather than purchased and soldiers already possess the required skills. (p. 192). However, Howe also points to several disadvantages, including the problem of acceptance of foreign soldiers by the local populace, the

private group's actual knowledge of the situation, and finally, the level of commitment these independent soldiers display towards the cause. (p. 194). In this sense, Howe turns to a thorough discussion of the largest private security group, Executive Outcomes, which both Angola and Sierra Leone turned to for military protection when they were facing insurgent groups. According to Howe, private security companies will thrive in Africa, as long as there is a "lack of adequate professional African armed forces and an unwillingness of non-African states to intervene militarily." (p. 216). However, Howe believes that these private security companies need to move away from the failed EO model, and become smaller, highly specialized, and attract less attention than did EO through non-combat services. (p. 218). Howe also believes that private security companies must be regulated in order to provide for some sort of accountability, rather than simply being ignored at the state or international level. (p. 226).

Finally, Howe discusses Western-sponsored upgrades of state militaries, specifically the African Crisis Response Initiative ("ACRI"). Howe believes that ACRI is currently the best combination of both ECOMOG and EO, which according to Howe, is exactly what Sub-Saharan Africa requires in regards to regional intervention forces. Howe describes ACRI as emphasizing peacekeeping, providing non-lethal equipment, and only offering these military capabilities to states that are somewhat democratic and observe human rights. (p. 243-244). However, ACRI is not without criticism, as, according to Howe, it does not "combine ECOMOG's appeal of an African-generated solution with EO's effective offensive operations. (p. 261).

In conclusion, Howe has written a well-documented book on increasing security in Sub-Saharan Africa. However, Howe's work is limited by the fact that his focus is only to three examples, specifically the Economic Community of West African States Cease-fire Monitoring Group (ECOMOG), Executive Outcomes (EO), and the African Crisis Response Initiative (ACRI), while disregarding other recent examples. (p.x). Nevertheless, Howe has written an invaluable volume on understanding the social, economic, and political factors that have led to the present deterioration of security in Sub-Saharan Africa, while simultaneously making his work appealing to both the beginning and advanced scholar in Sub-Saharan African security dilemmas. Howe's work expounds the fact that a working solution to the Sub-Saharan security dilemma will require components not only embodying democratization, but also exemplifying personal rule, particularly "African solutions for African problems."

Susana I. Caro
UMICLR, Articles and Comments Editor

Sierra Leone: Diamonds and the Struggle for Democracy. John L. Hirsch. Boulder: Lynne Rienner Publishers, 2001. 175pp. Paperback. \$12.95

The aim of John Hirsch's work is to provide a recent history of Sierra Leone. Hirsch, former US Ambassador (1995-1998) to Sierra Leone, gives his work a unique insight as Washington's man in Freetown. His recent history is highlighted by this vantage point along with his contacts among the diplomatic corps and the Sierra Leonean presidency. The author attempts to write a short and unique history of Sierra Leone's woes and casts the current conflict in Sierra Leone as part of a broader regional problem. With his understanding, insight and contacts the author gives the reader a clear and concise introduction into the unquenchable greed for diamonds and flawed leadership that led to the collapse of Sierra Leone–once known as the "Athens of West Africa"--as a state and the failure of the international community to stop the carnage there.

With a quick history of Sierra Leone from its 'discovery' by the Portuguese to British colonialism, Hirsch dives head on into the crux of the post independence problem—inept rule and greed. After independence in 1961 to 1964 Sierra Leone was ruled by a competent civil service. However, by 1968 the rule of Siaka Stevens set in. Stevens was cut from the same cloth as Africa's other Big Men, according to Hirsch. Elected as a Prime Minister, he left as president of a bankrupt one party state in 1985. Steven's kleptocracy inc.,—ignored by the international community in Freetown because they were 'internal matters'—is known as the "seventeen year plague of locusts," according to Hirsch (p.29).

According to Hirsch, Stevens' rule was followed by Momoh, whose "only claim to fame was his sycophantic and fawning loyalty to Stevens." In 1991, Froday Sankoh created the Revolutionary United Front ("RUF") with tacit support from Liberia's Charles Taylor, who sought to enrich himself by siphoning off the illicit diamond trade, according to Hirsch. A Libyan Axis that wanted to spread its influence throughout Africa, however, controlled both men. (p.31). Momoh was quickly toppled by a coup of young officers. The rule of Valentine Strasser—the coup organizer—was highlighted by increased brutality by the RUF and the continued looting of the treasury by those in power.

In order to stem the RUF's military gains, Strasser turned to a mercenary outfit, Executive Outcomes ("EO"), according to Hirsch. (p.37). EO—mostly former South African apartheid soldiers and excolonial Portuguese—inflicted huge casualties on the RUF, expelling them from the diamond areas for the first time in years. Unable to pay for their services—the treasury long since bankrupt—the government granted lucrative mining concessions to EO. According to Hirsch, this is

the critical time period in modern Sierra Leone civil society. (p.40). Although many of the non-co-opted elites left in the early 1980s, those that remained and others—women's groups, journalists, trade unionists, academics and traditional chiefs—demanded democratic elections. Here, Hirsch recounts the valiant efforts by these groups to turn the tide of lawlessness gripping the country. It his insight that enriches the survey and allows the role of these groups to come to the surface.

In 1996, Sierra Leone had, thanks to those pressure groups, its first free elections in over 30 years. However, the RUF was not interested in peacemaking and continued to wage a bloody war on civilians, amputating and raping as they went along. In the summer of 2000 the United Kingdom–Sierra Leone's former colonial ruler–sickened by the atrocities and to save the UN contingency in Sierra Leone, launched a military invasion.

Hirsch ends his survey by highlighting the bourgeoning democratic movement in Sierra Leone, international and regional efforts to support the government and eliminate the RUF. Hirsch shows how greed and inept leadership turned a country that in 1961 ranked above Singapore and Malaysia into a failed state that now ranks poorer than Somalia and Rwanda. (p. 30). Hirsch also claims that Sierra Leone's other major problem is that it fell below the big powers' strategic significance. (p. 106). Shying away from internal problems, the major powers allowed the country to sink into its current abyss.

In conclusion, Hirsch has written a well-researched volume on recent events to Sierra Leone's history. If a reader wants a deeper understanding to the earlier problems associated with the diamond trade, Hirsch's work, however is not a source. Rather, Hirsch attempts and achieves to write a survey that is relevant inside the beltway, intelligence organizations, the UN and other policy oriented institutions. It is also a useful book for those who do not want to trudge through voluminous scholarly undertakings to understand the internal dynamics of Sierra Leone and the regional implications of the conflict. In light of recent accusations of Al' Qaeda purchasing illicit diamonds from Sierra Leone, Hirsch's work is illustrative that no back water conflict remains obscure and that the demise of the rule of law brings in opportunists from all over the globe.

Ian Illych Martinez UMICLR, Editor In Chief

Female Genital Mutilation: A Guide to Laws and Policies Worldwide. Anika Rahman and Nahid Toubia. London: Zed Books, Limited. 2000. Paperback. 249 pp.

The authors chose to write this book in an effort to analyze the effect of legislative action on the practice of Female Genital Mutilation (FGM). Given that the enactment of most legislation regarding FGM is relatively recent, the authors felt it was necessary to document these legislative developments and their effect on the communities involved. Finally, the book focuses on the need to view FGM as a human-rights violation and in so doing develop laws which emphasize this standpoint.

The book is highly organized and has a user-friendly structure. Initially, the book takes a historical approach. The topic of FGM is explored and defined for those recently introduced to the topic. Yet, the best part of the initial chapter is the emphasis on the attempts to raise awareness to the issue and terminate it. In the second chapter, the authors dissect the practice from an international human rights perspective. Specifically, the book suggests four human rights violations that result from the practice: the right of women to be free from all forms of discrimination, the rights to life, liberty and physical integrity, including freedom from violence, the right to health, and the rights of children. One of the weaknesses of the book for the average reader was its outlining of each national-level legal instrument which highlights the four violations.

However, the researcher or activist will find this a useful tool when searching for reasons to end the practice from a human rights perspective or when developing new laws. The book takes a look at additional human rights such as the right to culture, rights of minorities and the right to religious freedom in an effort to understand the effect that these laws will have on the community affected. In the third chapter, the current practice of governments in relation to FGM was also detailed. Finally, the book offers suggestions for governments struggling with how to address the practice from a legal/human rights standpoint. This was undoubtedly the most powerful aspect of the book. This chapter allowed the reader to reevaluate the background material from a human rights perspective and consider varied approaches to the subject.

The book will be most useful to individuals searching to understand the current status of the law regarding FGM. In addition, by providing background on the practice, its accompanying laws and offering suggestions for future legislation, the book is essential for any activist attempting to develop new laws.

The authors certainly accomplished all of their stated goals for writing the book. Even those who do not intend to be activists should find the book a worthwhile read. In particular, it emphasized the need to be sensitive to those whose culture mandates a practice that is unhealthy and dangerous. FGM is definitely a topic that is gaining worldwide exposure as activist and non-activist alike search for a way to properly address the issue without intimidating its proponents and participants. The authors were highly effective in ushering forth a book which

outlines the next proactive steps that those sensitive to this very provocative issue need to take. For the foregoing reasons, this book is highly recommended for anyone with the remotest interest in the practice of FGM and efforts to combat it.

Katrice Jenkins

UMICLR, Articles and Comments Editor

Rhodesia: A Lesson in African Self-Reliance. Jabulani Beza. Lanham, New York and Oxford: University Press of America, 2000. Softcover. 131pp. \$26.50.

Written while a doctoral student at Southern Illinois University, Jabulani Beza's dissertation examined in detail the difficulty that Rhodesia's African population and the Organization of African Unity experienced in dealing with the unilateral declaration of independence of Ian Smith's government from Great Britain in 1965 and the Rhodesian people's quest for majority rule. Beza's book, *Rhodesia: A Lesson in African Self-Reliance*, published by University Press of America in 2000, emerged from that dissertation to broadly discuss issues affecting African self-reliance.

Beza effectively uses examples to illustrate the Rhodesian predicament. He contrasts events related to the war of liberation that occurred in Algeria with those of Rhodesia, making the point that France's colonial demeanor never mislead the Algerians into relying upon French assistance in pursuit of Algerian independence; whereas, Great Britain's pronouncements of support for majority rule created a situation of confusion and disbelief among the Rhodesian population (p. 16). Similarly, Beza discusses events leading to independence in Kenya to demonstrate that Great Britain's actions were actually perceived by many European settlers to facilitate Kenyan independence, yet throughout the struggle for political autonomy, Great Britain never made an express commitment to assist the Kenyan population in achieving that goal (p. 29).

In his work, Beza traces the development of Rhodesian nationalist organizations, and the Organization of African Unity's efforts to sanction, economically and militarily, Rhodesia and Great Britain in efforts to force majority rule. The economic sanctions leveled by the United Nations and the reasons for their failure to achieve meaningful gains towards African rule are also propounded.

The author provides the example of the International Monetary Fund to discuss contemporary practices of foreign aid organizations, which are said to exist as continuing sources of frustration for African states in their quest for self-reliance (p. 113). Here, Beza asks the question, "Should African countries be required to adopt capitalist,

laissez-faire economies" in order to receive current sources of aid (p. 117)?

In his conclusion, the author sets forth the theory that African self-reliance may never occur under the structure of classical democracy due to the African people's value of individual identity that so strongly emanates from an ethnic group, as opposed to that "primary value of democracy," individualism (p. 126). Further, Beza makes the case that the traditional African view of time, which mainly consists of considerations of the past and present, precludes meaningful self-reliance due to complacency about the future (pp. 129-130). Finally, he suggests that the efficacy of the Organization of African Unity, in representing African views to the world, and as a tool for settling African disputes, be strengthened through a revision of its charter (p. 131).

As an African writer, Jabulani Beza insightfully provides an account of the manner in which several African nations came to find freedom from European colonialism. While Beza's dissertation on the subject may contain a deeper analysis, this book is well documented and informative. Historians, Political Scientists, and those interested in international development will find the book to contain a useful historical background leading to a perceptive and thought-provoking conclusion.

Michael Karpinski UMICLR, Member, Editorial Board

Policing Afirca: Internal Security and the Limits of Liberalization. Alice Hills. Lynee Rienner Publishers, Inc.,: Boulder, 2000. Hardcover. 213pp. \$53.00

"Otwin Marenin's judgment that 'very little is known about the police in Africa' is generally as true now as it was in 1982."(p.3) Author Alice Hills has created a book with a master list of information. She must be commended for her unique approach in introducing and discussing the issue of policing in Africa. Author Hills' academic and intellectually stimulating factual presentation format allows the reader to explore all the ramifications, which are introduced or may arise regarding the subject matters.

The merit of this book is not limited to the analysis in each chapter. Rather, the focus is on the need to analyze, define and understand the rules on policing in Africa. The author's prerequisite interpretation on policing in Africa issues is a critical nutshell resource and analysis founded in fact.

This book could be used as both a primer and a resource to acquire additional knowledge about policing in Africa. This could serve as an excellent syllabus, because not only does Ms. Hills present her

interpretation, she provides detailed footnotes, tables, figures and an extensive bibliography, which includes indigenous representation. Moreover, it may be regarded a stellar publication for a pivotal issue, which has been overlooked in some arenas and under addressed in other forms.

Ms. Hills outlined her work in eight chapters. Her eight chapters are a rational subdivision of the issues confronting policing in Africa. Each part has been divided into relevant sections. Author Hills, concludes, "It gives insight into the linkages among policing, internal security, civil order, political stability, and national development and produces a broad picture—even if it cannot answer specific question about who controls the police or on whose behalf they act. That remains hidden. What is clear is that these links exist." (p. 20).

Hills supports her statement "African policing has changed in various ways since independence, and a key element has been the interplay between politics and the police" (p. 49) in her second chapter, *Policing the Postcolonial State*.

Hills concludes, "Police forces are often inefficient or unreliable, and... their effectiveness and institutional coherence may be positively correlated with a country's economic performance." (p. 55). Hills ends the book "Given the relationship among the police, regimes, and society and the fact that police functions are essentially reactive and indeed, negative, it is reasonable to see police development mirroring state development." (p. 190).

The policing of Africa is paramount in the discussions regarding global peace and unification, and Africa must be given time and relevance in that understanding, especially where many have nationalized and parochialized a continental problem. Policing Africa is highly recommended provided interested parties obtain a sound foundation on the subject matter. Author Hills provides the reader with a substantial bibliography, detailed footnotes, tables and figures that can be used as building blocks to broaden the scope of one's knowledge.

Yeshimebet Abebe, UMICLR, Articles and Comments Editor

The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State, Richard A. Wilson. Cambridge University Press. 2001. Softcover. 294pp. \$23.00.

During the past twenty years, at least fifteen different postauthoritarian governments have used Truth Commissions as a tool to announce new democratic order and legitimize state institutions. Truth Commissions generally serve as quasi-judicial institutions, exposing and discrediting former regimes' atrocities with the aim of healing the national psyche. In "The Politics of Truth and Reconciliation," Richard Wilson explores the functions, complications, and idiosyncrasies of the South African Truth and Reconciliation Commission ("TRC"), focusing on the Commission's truth-telling and reconciliation functions. Wilson approaches his study from a sociological standpoint, assessing the TRC amid a broader context of a born-again state struggling to manufacture a new official history and salvage a degree of institutional legitimacy for crucial elements of the new state, such as the criminal justice system. Arguing that the TRC used excessive legalism and positivist methodology, Wilson concludes that the TRC failed to construct a coherent socio-political history of apartheid.

Wilson crafts his observations and draws his conclusions based on a twelve-month ethnographic study, interspersed between 1995 and 1998. During that period Wilson attended Human Rights Violations Hearings and interviewed TRC Commissioners, lawyers, investigators, victims, policemen, religious personnel, and political leaders, mainly in townships in the Vaal region to the south of Johannesburg.

First, Wilson outlines the TRC's structure and methods, laying bare the Commission's effort to decontextualize and quantify human rights abuses through positivist legal methodology while casting the Commission's goals in terms of forgiveness. Wilson then evaluates the surrounding social context and determines that vengeance pervaded the popular legal consciousness. This thirst for vengeance prevented constructive engagement with the TRC, and inhibited the transformation of local moralities and justice institutions.

This book would be useful or appealing to students of legal anthropology or history. It has particular relevance in the current American debate over the appropriateness of reparations for descendants of former slaves.

David Leon, UMICLR, Articles and Comments Editor

Books Received:

Constituting Democracy. Heinz Klug Cambridge University Press, 2001. 282pp. Paperback. \$18.36.

The Criminal Law of Sierra Leone. University Press of America, 1999. 339pp. Hardback. \$44.00

Female Circumcision in Africa: Culture, Controversy, and Change. Bettina Shell-Duncan, Ed. Lynne Reinner Publishers, 2001. Hardback. \$59.95

The Making of South African Legal Culture 1902-1936. Martin Chanock. Cambridge University Press, 2001. 587pp. Hardback. \$99.00.

UPCOMING ISSUES OF THE UNIVERSITY OF MIAMI INTERNATIONAL & COMPARATIVE LAW REVIEW

VOLUME 10 ISSUE I: UNIVERSITY OF MIAMI AND THE UNIVERSITY OF LEIPZIG SYMPOSIUM

VOLUME 11 ISSUE I: WHITHER FUNDAMENTAL ISLAM?: A MOVEMENT AND ITS GLOBAL IMPACT

The UMICLR is accepting papers for Volume 11. Please submit papers to the Review by September 1, 2002. Please send one MS Word floppy and one hard copy of your manuscript to the Review at:

Editor-In-Chief University of Miami International & Comparative Law Review University of Miami School of Law PO Box 248087 Coral Gables, FL. 33124