

Between Tradition
and Modernity:
African Governance for Tomorrow

**Proceedings from Bamako conference
23, 24 and 25 January 2007**

The conference organised in Bamako by the Institute for Research and Debate on Governance (IRG), the Alliance for Refounding Governance in Africa, and the Centre for Political and Institutional Expertise in Africa, was realized with the support of the Charles Leopold Mayer Foundation for Human Progress (FPH), the French ministry of Foreign Affairs¹ and the management of the Swiss Development and Cooperation department. We thank them all for their support and for the interest that they have demonstrated concerning the theme and the running of this conference. Equally, our thanks go to Djouma Traoré, responsible for the logistical organisation of the conference, to Josie Kaye who contributed to the drafting of the proceedings, and to all those, both organisers and participants, who made this meeting a very important moment in the reflection on the tradition and the future of Africa.

Ousmane Sy,

Coordinator of the Alliance for Refounding Governance in Africa,
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(1) This initiative is part of the broader French strategy concerning questions of democratic governance such as that adopted by the Inter-ministerial Committee on International cooperation and development on 5 December 2006. For France, governance is a process. It touches all the different dimensions (from the local to the global), economic (public, private and mixed), societal (the expression of the needs of users through their participation), environmental, political and cultural. It concerns a variety of actors, (public, private, civil society) and their various interactions. The actions initiated with these different partners aim to encourage the emergence of a form of governance which is adapted to the African socio-cultural contexts, and to insure the implication of African actors in the international debate on governance and to reinforce the African Union's agenda on governance.

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Introduction

Ousmane Sy, Michel Sauquet, Martin Vielajus

Is “governance” a ‘catch-all’ term?

Preliminary reflections concerning the title of the conference

Between tradition and modernity: which project for governance in Africa?

In response to this question, one of the participants during one of the first debates of the Bamako conference retorted with a joke, which contained, perhaps, elements of truth: “Governance? No thank you!”

Even if, as we have seen during the three sessions, the terms “tradition” and “modernity” carry a variety of meanings, the word “governance” in the title of the conference is decidedly the one which is understood in the most diverse, the most ambiguous and the most unstable forms, as much in the minds of national and international bureaucrats, as by researchers and policy makers from civil society. It is the word which, from the beginning of the conference, needed most to be defined, and still has a long way to go.

A concept which changes - depending on history and the continent in question - and which is sometimes instrumentalised, governance often generates more suspicion than interest. Many have decided to reject what they see as little more than a ‘catch-all’ term, too historically loaded through its direct association with the World Bank’s international cooperation phraseology during the last decade (‘good governance’ being a condition of aid).

However, for IRG as much as for the Alliance for Refounding Governance in Africa or CEPiA – the organisers of the conference –, ‘governance’ covers a very wide field, from modes of organisation and regulation of the way societies ‘live together’ at the local and global level, to the formulation of common ground rules. The questions that the term addresses are very diverse: modes of management and collective regulation, legitimacy and accountability of actors and institutions, participation in government, the interface between levels of governance...

Thus understood, and in line with the evolution of the concept within the very institutions which advocate it, we believe that governance

today can be an essential tool for appropriation and reinvestment by the countries in receipt of international aid subjected to over-mechanical criteria of what is 'good governance'. Africa today needs to make space for the reinvention of its own governance by means of a patient 'to and froing' between local invention on the one hand – often considered as having the most legitimacy – and the principles emanating from international experience in terms of governance on the other.

Indeed, if governance is today so high on all agendas, it is notably because the concept has evolved within international cooperation politics, in particular when confronted with the relative failure of the purely economic approach to aid. When the word 'governance', extinct in French but still extant in English, reappeared ten years ago, on a World Bank initiative, it essentially concerned the management of economic and administrative policies. The internal evolution at the World Bank, and even more so the appropriation of the concept by the other cooperation agencies has brought about a semantic shift of the concept towards a much larger understanding. progressively it has come to encompass the idea of reformulating regulation models and political realms in the recipient countries.

The place these countries have in the elaboration of reforming policies has yet to be properly affirmed, at a time when through that notion of governance, their very own modes of understanding politics, public space, forms of authority are being scrutinised.

What the Bamako conference seeks to achieve along with the research initiatives which will follow on a more long-term basis, is a hand-over of the reflection on the modes of governance to the African actors themselves. The aim is not to explore the modes of 'appropriation' using an external model of which African leaders can only have a superficial grasp, but to move towards what could be called a truly African governance project.

One of the starting points in the elaboration of these common perspectives consists therefore in taking a look at the past. Not in order, to make tradition and the modes of regulation that went with it a lost ideal to be re-conquered, of course, but rather to sign up Africa to a form of modernity that is mastered by, adapted to, and rooted in Africa itself.

Mobilise "yesterday" in order to construct tomorrow

Africa in the past has indeed been witness to a political and institutional evolution that is rarely taken into account. As the followings pages will abundantly illustrate, the institutional systems constructed to manage societies on the continent do not date back to the colonial conquest. Numerous well-know historians, among whom Cheick Anta Diop, Joseph Ki-Zerbo and many others have retraced in their works the succession of empires, Kingdoms and other forms of societal organisation that precolonial Africa has known.

These systems, in particular those of the large empires contemporary to the European Middle Ages, had their own institutions, their own modes of public affairs management, organisation and transmission of political power, their own social models, rules of war. In their time, these institutional constructs were able to organise relations between different people and communities over vast territories, with the aim of ensuring peace and security. One particularly noteworthy example of the collective management of a territory is known as the meeting of Kouroukanfouga, a place South of Bamako that was visited by all the conference participants the day before the official opening. The region's traditionalists often quote this meeting which brought together, in 1235 under Soundiata Keita, the first emperor of Mali, all the chiefs of the provinces of the empire of Mali to agree upon the rules for managing their territory.

Sudano-Sahelian Africa, which constitutes the space under scrutiny during the conference, met with the first propagators of Islam in the 5th century, arriving from the East across the Maghreb. The encounter with Islam was, in large part, peaceful during the times of the empires of Ghana, Mali and Songhay; it then turned to conquest in the case of the Peul kingdom of Macina and following the djihad of El Hadj Oumar Tall. These theocratic states of the 12th and 13th centuries either established on their territory new institutions or transformed the existing local ones along the Islamic conception of social relationships. They also brought in new models of public affairs management.

Pre-colonial Africa therefore founded States complete with devices and institutional procedures that managed communities, organised relations between people and ethnic groups, and regulated both internal and external crises and conflicts. These systems were most certainly diverse and more or less effective, and we can hardly speak of one authentic and unique African model of government. Nonetheless, these are proof of the fact that Africa knew how to govern itself according to rules understood and administered by its own communities. Governance, as the art of governing what is public and of regulating relations within each society, is therefore part of African traditions as it is in every other part of the world.

A century and a half ago, colonial conquest opened a new period, yet to be concluded as the economic, political and intellectual hegemony of the Occident did not remotely end with independence. It is around this period that a Western African space based on the Nation-State model emerged, yielding not only the format but also the spirit of institutions and modes of management and public regulation modelled on European societies.

People, communities and social groups' everyday references in current post-colonial African states are deeply rooted in the politico-institutional legacies of each different moment in history. More often than not, the reactions and attitudes of African actors can only be understood in reference to that heritage, produced by successive historical waves. Their rela-

tion to political and institutional systems is often ambiguous, interaction with Nation-State mechanisms, range from rejection, to tolerance to even formal recognition.

Unfortunately, very few studies and analyses have been conducted concerning the evolution of these systems and the practice of governance and government during these three periods, or addressing the reasons for the adoption or the abandonment of political and social behaviour, or what could have inspired the elaboration or the rejection of models supposedly adapted to the realities, challenges and demands of contemporary society. Very few studies have considered the vision and the meaning given modernity and its relationships with African traditions, because, if modernity in itself is not the answer, it corresponds at least to a new way of approaching the questions concerning governance, in line with the evolution of the continent and the world, and with ongoing questions faced by societies. The fact is that those who currently have an understanding of the wisdom and traditions of these periods, even though they are confronted with the same challenges with respect to modernity in their societies, share very little of what they know. Worse, mutual feelings range from suspicion, to distancing, indeed, in some cases, contempt. It is therefore essential to highlight the issue of the role of tradition today, while distinguishing the situation of towns from those of villages, but also the differences in points of view between generations.

This clarification incidentally enables us to remember – and this point was made repeatedly during the conference – the danger of instrumentalising tradition, and the ambiguity of its role in certain political issues. Some actors are forever using these different forms of legitimacy to their own benefit, deliberately blurring the edges of the concepts

Pluralism of issues, pluralism of viewpoints: a conference that gives everyone a voice

The Bamako conference was intended as a very pluralist forum. It allowed for a direct confrontation of actors who, in West Africa, bear the tension between tradition and modernity, and also created a dialogue between protagonists (academics, politicians, traditionalists, religious figures, international actors) whose thinking too often runs along parallel lines. The conference did not constitute a revolutionary event that involved a method and a choice of participants that no one has ever tried before. Here and there, academic conferences do not hesitate to involve practitioners among their speakers, here and there politicians interact with civil society; however, a cast as vast as that at the meeting in Bamako is certainly new: academic specialists of history, political science, religions of these different periods, African politicians, traditional chiefs, religious figures, those with traditional knowledge, Canadian and European partici-

pants...For everyone concerned, this cocktail which could so easily have been explosive actually turned out to be incredibly fecund, reflecting the concepts of diversity, interaction and complementarity which are inherent to the concept of governance itself.

The conference was organised around three major themes reflecting the different aspects of governance in Africa: the choice of leaders, the management of public goods and the accountability of power. We have structured these proceedings following these themes and following the course of these sessions: the lectures, the questions and the debate, and a summing up. We have also decided to add an annex containing several texts that we considered to be especially pertinent in order to clarify the theme of the conference.

The participants

Main speakers for the Session: “The Choice of leaders”

Bintou Sanankoua

History lecturer at the Ecole Normale Supérieure in Bamako, researcher in the field of human sciences, former Member of Parliament at the Malian National Assembly. Madame Bintou Sanankoua is a member of civil society, active in the debate concerning citizenship in Mali. She is a 19th Century history specialist.

Atsutsè Kokouvi Agbobli

Mr. Atsutsè Kokouvi Agbobli, from Togo, is a historian, political scientist and journalist. He was educated in French universities, most notably at Poitiers and Paris-Sorbonne. He has held multiple posts. He taught, then became head of the Department of General Political Affairs, Defence and Security at the General Secretariat of the African Union (AU). Later he became expert and civil servant at the international work bureau, journalist, and then Minister of Culture and Communication, and Minister responsible for relations with parliament in the Togolese government. The author of many books, he is currently director of the bi-monthly magazine *Afric'Hebdo* published in Lomé, Togo.

N'tji Idriss Mariko

Mr. N'tji Idriss Mariko holds a doctorate in literature and further qualifications in educational sciences. From 1970 to 1976 he taught literature at the *École normale supérieure* in Bamako. In 1976 he was made National Director of Art and Culture and National Director of Social Affairs in 1979. He entered the government in 1980 and was minister for sports, arts and culture until 1984. Technical advisor to the minister for national education, then for Planning and cooperation, he returned to teaching following the opening of the University of Bamako, after working as a member of the Executive Council of Unesco. General Secretary of the National Conference of Mali, Mr. Mariko is currently honorary professor at the faculty of Literature, Languages, arts and human sciences at the university of Bamako.

Facilitators for the Session “The choice of leaders”

Emmanuel Ahlinvi

Mr. Emmanuel Ahlinvi is a Doctor of political science at the Montesquieu Bordeaux IV University in France. A graduate of political philosophy, political science and political communication from the *École normale supérieure*, his principal themes of research concern the sociology of political discourse and of African constitutions, political organisations (civil society, political parties and unions), political behaviour and the analysis of public policy. He lectures on political sociology, the sociology of international relations, electoral processes and public policy. Previously a fellow of the Centre for Study and Research on Community Life (CERVL) at the *Institut d'études politiques* (IEP) at Bordeaux, since 2003 he has lectured at the faculty of law and political science at the university of Parakou (FDSP/UP) in the Republic of Benin, his country of origin. He is also in charge of the department of political science and cultural affairs as well as a fellow of the Institute of development in endogenous exchanges (IDEE) at Ouidah.

Hamidou Magassa

Mr. Hamidou Magassa is a linguist and anthropologist, he holds a PhD from the University of Sorbonne Nouvelle (Paris VI), and has undertaken post-doctoral research in institutional analysis of development at the University of Indiana (Bloomington) in the United States. He has taught at the National Institute of Languages and Oriental Civilisations in Paris and in several African universities, both public and private (in Mali and Nigeria). After fifteen years in the public service, he moved to the private sector, and settled in Bamako as a socio-economist consultant at SERNES since 1992. Essay writer and poet, he is published in Paris by Maspéro and Nubia, and in Bamako by the NGO 'Yeredon' which he founded in Ségou in 1992.

Commentator for the Session “The choice of leaders”

Dominique Darbon

Mr. Dominic Darbon teaches political science at the Institute of Political Science (IEP), Bordeaux. A graduate of political science, African studies and law, his main research themes concern administrative reform, public policy in African countries, the management of administration and comparative administrative systems. He lectures on public policy, comparative administration, development studies, political sociology and the sociology of organisation. Former director of CEAN (Centre for the Study of Sub-Saharan Africa) and former editor in chief of the journal *Politique Africaine* he currently chairs the scientific council of the African section at the ministry of Foreign affairs and is in charge of the “International cooperation and development” section at the IEP in Bordeaux.

Main speakers on “Public goods”

Mahamoud Dicko

El Hadj Mahmoud Dicko is a graduate of theology from Dar Al Hadith university, Medina, Saudi Arabia. He is currently the first secretary in charge of Religious Affairs at the Islamic High council of Mali, and director general of the Islamic Radio in Mali. He also holds the position as general secretary of the Malian Association for the Unity and Progress of Islam and is an Imam at the Sunni Mosque of Badalabougou in Bamako.

Jean-Pierre Olivier de Sardan

Mr. Jean-Pierre Olivier de Sardan lectures at the École des Hautes Études en Sciences Sociales (EHESS) and is project leader at the National centre for scientific research (CNRS) in France. He lives and works in Niger where he is a researcher at LASDEL (Laboratory of studies and research on social dynamics and local development), a research set up which brings together researchers from Benin and Niger to apply the qualitative methods of socio-anthropology to empirical studies concerning the range of delivery formats of collective goods and services be it by African or other institutions. He has published numerous books, in French and in English, such as: *Les sociétés songhay-zarnia (Niger, Mali)* 1984 ; *Anthropologie et développement*, 1995; *Everyday corruption and the state, Citizens and public officials in Africa* (in collaboration with G. Blundo), 2006, (soon to be published in French).

M. Ousmane Traoré

Mr. Ousmane Traoré is a former judge at the Supreme Court of Mali, Doctor of Land-Law, researcher and lecturer at the university, former assistant-coordinator at the Land Observatory in Mali, and currently assistant chief inspector at the Ministry of State Property.

Facilitators for the session “Public goods”

Le Ouidi Naaba

His majesty Ouidi Naaba (Dr Tinga Douamba) is a traditionalist, senior member of the Moro Naaba court in Ouagadougou. Since 2002 he has held the presidency of the National Ethic committee in Burkina Faso.

Ousmane SY

M. Ousmane Sy is a doctor of socio-economic development. From 1987 to 1993 he was responsible for the UNDP program in Mali. From 1993 to 2000, he led a program entitled the “Mission for decentralisation and institutional reform”, with a view to deliver this process as desired by the new democratic authorities. In 2000, he entered the government as Minister for

Territorial and local Government, which gave him the opportunity to put his technical research into practice. He was also in charge of organising the presidential elections in 2002. Above all, he created his own institute for advice and expertise called CEPIA (*Centre of political and institutional expertise in Africa*). He is currently coordinating the *Alliance to Lay New Foundations for Governance in Africa*, and he is vice-president of IRG.

Commentator of the session “Public goods”

Larbi Bouguerra

Mr Mohamed Larbi Bouguerra is former director of the National Institute of Scientific Research in Tunisia. He has a PhD in Physical sciences (Sorbonne, Paris 1967) and has led his career on both sides of the Mediterranean after studying at the University of Southern California. He was assistant lecturer at the Faculty of Medicine in Paris and project leader associated with the CNRS at Paris University 6. He is the author of a dozen books dealing with the issue of the use of science in the developing world and on environmental issues. He is in charge of the Water Programme at the FPH. He is a consultant for the UN, WHO, and UNESCO. He contributes to a number of newspapers in the arab world and in France (Such as *Le Monde diplomatique*, *La Recherche*, *Science Frontière...*). He is secretary to the Board of IRG.

Main speakers for the session “Accountability of power”

Mahmoud Karamoko Bamba

Mr Mahmoud Karamoko Bamba is a researcher, historian, linguist and sociologist from Mali.

Richard Toe

Born in 1940 in Kolongotomo (Macina). He is an independent consultant at Faladié Sema and has 28 years of professional rural experience with the CMDT (Cotton sector in Mali) from 1968 to 1996. From 1992-1994 he served as communication Advisor to the Minister for Rural Development and from 1994-1997 as member of the decentralisation mission team. He was a consultant responsible for the coordination of the study and mobilisation groups and worked in management of African business and culture at the Djoliba Centre in Bamako in 1992, leading a study on the question of business culture in Mali. He helped disseminate the ministry of rural development (MDR)'s action plan in 1994. He provided the historical and cultural grounding for the decentralisation of Mali in 1995. He produced a study on the issue of the insertion of traditional authorities and institutions in the context of Malian democracy and did research on languages, the mana-

gement and prevention of conflict, African history, as well as scientific terminology and concepts in the national Bambara language.

Kwesi Jonah

M. Kwesi Jonah is a lecturer of political science at the University of Ghana. He is the president of the *Governance Center at the Institute of Economic Affairs* in Accra, Ghana. He is also a consultant at the UNDP and at the minister for parliamentary affairs in Ghana. His research interests are: governance, political parties and elections, and the foundations of legislations.

Marnadou Badji

M. Mamadou Badji lectures on law history at the university of Cheikh Anta Diop of Dakar (UCAD) and is assessor to the dean at the faculty of law and member of the network of researchers “*Health law*” at the University Agency of French Speaking Communities.

Facilitators for the session “Accountability of Power”

Fatou Kiné Camara

Ms. Fatou Kiné Camara holds a PhD in international commercial law: *L'autonomie de la clause compromissoire en matière d'arbitrage commercial international*. She teaches international private law and family law at the faculty of juridical and political science at the university of Cheikh Anta Diop in Dakar. In parallel to her teaching activities, she is undertaking fundamental research into legal anthropology. She is the author of two books on black-African traditions entitled *L'union matrimoniale dans la tradition des peuples noirs*, co-authored with Saliou S. M. Kanji, 2000, and *Foi noire et Justice dans la tradition des peuples noirs*, 2004. With the aim of contributing to the promotion of legislative reforms steeped in black-african tradition, Fatou K. Camara is a member of the *Governance Network in Africa*, the *Association of women jurists (AIS)* as well as the *Senegalese Council of Women (Cosef)*.

Bonnie Campbell

Ms. Bonnie Campbell is a professor of political economy in the department of political science at the university of Quebec in Montreal where she also holds the position of Chairperson. She undertakes in-depth research concerning governance and development aid, and is also the director of a research group concerning mining activities in Africa (GRAMA). Ms. Campbell holds a PhD from the University of Sussex. She has been carrying out research on the policies of multilateral financial institutions and notably on institutional reforms, questions of governance and strategies to reduce poverty. She was Chair of the Board of the North-South Institute (Ottawa 2003-2006) and is currently member of the scientific committee at the

Centre of international cooperation on agronomical research for development (CIRAD, Paris). She has worked on many studies concerning, more broadly, the topic of international development, governance and how to enhance the value of mining resources, and she is the author of more than 60 articles, and author, editor and co-editor of eight books including: *Structural Adjustment in Africa* (with John Loxley), *Political Dimensions of the International Debt Crisis and Restructuring in Global Aluminium*, *Enjeux des nouvelles réglementations minières en Afrique* (Regulating Mining in Africa: For whose Benefit?) and *Qu'allons-nous faire des pauvres?* In recognition for her work, Ms. Campbell was admitted in August 2006 to the Circle of Excellence at the University of Quebec.

Commentator for the Session “Accountability of Power”

Raufu Mustapha

Mr. Ahdul Raufu Mustapha is a lecturer of African Politics at St. Anthony's college, Oxford University. He previously taught political science at the university of Nigeria. His research interests include rural politics in Africa, the question of African ethnicity and identity and democratisation policy in Africa. His recent publications include, notably, *Coping With Diversity: Nigerian State in Historical Perspective*, in AI Samatar & AI Samatar. eds. *The African State; Reconsiderations*, Heinemann, Portsmouth, NH.

Alliance for Refounding Governance in Africa

Ousmane Sy (see biography above, session “public goods”)

Traoré Djouma Konté

A trained teacher with a masters in foreign languages (English and Russian) obtained in June 1992 in Russia, Djouma Traoré then trained in administration at the Cefib (Mali) and, since October 1992, she has been working as a secretary and administrative assistant and is currently assistant to the coordinator at the Alliance for Refounding Governance in Africa.

Assane Mbaye

Trained as a jurist, Assane Mbaye is undertaking a PhD in private law and has further qualifications in international and environmental law and planning. He teaches at the faculty of Judicial and political science at Cheikh Anta Diop university, Dakar; his previous post was at the National School of Administration and Magistracy in Senegal. He is a member of the Resource Centre of the *Alliance for Refounding Governance in Africa*. He has completed several research projects into the relationship between local governance and the protection of human rights.

Momar Dieng

Initially trained as an economist, Momar Dieng then undertook specialised training in the field of rural development and as a communication advisor. He is an expert in project design and evaluation, and in development programs, with around ten years experience in the rural and agricultural sector. Since 1999, he has actively participated in the dialogue on governance in Africa, which then became “The Alliance for Refounding Governance in Africa”. He is currently coordinator at the resources centre for the Alliance.

Karine Goasmat

Associate director at Exemole Sarl – (Experiments and methods – equipping interchanges) which seeks to match information technology tools (already in existence or developed by her) with working methods (tested or still at experimentation phase) to improve collective dynamics (of associations, businesses, networks, communities). Under the authority of the Charles Léopold Mayer Foundation, Karine Goasmat has been working on the “governance in Africa” programme: putting in place tools and methods to improve structure, capitalise on information, providing training and, setting up and managing co funded projects.

Assaita Dite Diodo Dia

Aissaita Dite Diodo Dia is a professional jurist with a masters in private law from the faculty of juridical and economic sciences (Mali) with five years of professional experience in the field of local development and decentralisation, and more specifically in the provision of institutional support to associations and women’s groups. She is currently doing an internship at CEPIA in the framework of an MBA in the management of business.

Institute for research and debate on governance**Michel Sauquet**

Michel Sauquet is a Sciences Po graduate and Doctor of Applied Economics. Most of his professional career, since the beginning of the 1970’s, was spent in the domain of international cooperation, in the cross-cultural and communication components of development, especially in Africa and Latin America for a number of NGOs, international organisations and for the *Charles Léopold Mayer Foundation*. Vice-President of the Charles Léopold Mayer publishing house and of the *Alliance of Independent Publishers for another Globalisation*, he is also a lecturer at Sciences Po and the author of some fifteen books.

Martin Vielajus

Martin Vielajus holds a Masters degree in International Affairs from the Institut d’Études Politiques de Paris (Sciences-po), Paris. Until 2006, he held a parallel position within IEP’s teaching executive. His research concerns mainly the forms and modes of action of civil society, as well as the perceptions of “governance” criteria in cooperation policies. IRG’s cross-cultural approach follows on from his previous experience at UNESCO and a variety of other cultural institutions.

Josie Lianna Kaye

Josie Lianna Kaye is a graduate of political science from the University of Nottingham. She is currently undertaking a Masters in International Relations at Sciences Po, Paris and a Masters in Conflict Resolution at Columbia University, New York. Following her previous experience in Togo, she became the president of an association that helps orphans and children from disadvantaged backgrounds in Lomé. Alongside her studies, she carries out research on peace and reconciliation in Africa.

French Ministry of Foreign Affairs (MAE)**Hervé Magro**

Hervé Magro is a Foreign Affairs Advisor, a graduate from the IEP and from Inalco, and, since 2004 he has been deputy director of the democratic governance section of the International cooperation and development Agency (DGCID) at the Ministry of Foreign Affairs. He previously held many positions within the administration of the ministry of Foreign Affairs: most notably he was head of the department for North Africa and the Middle East at the DGCID, Permanent Representative for France to the United Nations in Geneva and Ambassador of France in Washington and Ankara.

The choice of leaders

During the various periods of African history, how have questions concerning the legitimacy of power, and the way in which that power changes hands, been articulated? How have the three major periods (pre-islamic, Islamic and colonial/postcolonial) contributed to the construction of specific models of legitimate authority? How can these models be reconciled with the modern ideal of “universal” democracy today?

The session dedicated to this theme compares the formal approach to electoral processes, rooted as it is today in the majoritarian principle, with the more ancient ways of choosing leaders. It therefore addresses, de facto, the question of the legitimacy of electoral processes in relation to local traditional powers, as well as the question of collaboration/competition between these authorities.

Finally, the session raises questions concerning the status of the private citizen, the single vote and the idea of universal suffrage with regards to African traditions. What does the principle of democratic voting assume in terms of equality of status and recognition of personal choice?

Governance, Legitimacy and legality in Mali

Lecture by Bintou Sanankoua

Within the general context of the choice of leaders, I have entitled my presentation: “Governance, Legitimacy and legality in Mali” not in order to narrow down the subject but because today’s Mali, heir to the great Mali, the Mali of the great empires of Western Africa embraces all the history of Western Sahelo-Saharan Africa at the centre of our critical analyses. Its uninterrupted history from the 9th to the 16th Century, from the empire of Ghana to the fall of the Songhai Empire in 1591 spans Africa from Lake Tchad to the Atlantic Ocean. Over the centuries centres and peripheries shifted but History unfolded without interruption.

The second reason for this title is that Mali, over the centuries, has known and practiced all the forms of governance endogenous to Africa, from the simplest, at tribal level to the most sophisticated in the lineage or segmental societies, the kingdoms or the empires. It has known all the State building approaches from consensual grouping to enforced domination. Mali is a concentrate, a summary of the history of governance in the region.

From early on, Mali established a mode of governance allowing it to organize relations between its different social components, the economic modes of production, and the transmission of power, in relative peace, stability and security. It was able to develop tools and mechanisms capable of regulating internal and external conflicts and crises. Leaders drew their legality and legitimacy from cultural, social, and economic frames of reference. In this part of Africa, the need for authority is cultural, long ingrained in the mindset of the people.

The misfortunes plaguing Africa today (poverty, disease, conflict, corruption) are put down to bad governance. Good governance has been promoted as a solution to all these evils, a cure-all, and has increasingly become part of foreign aid conditionality.

When Mali was in charge and was responsible for its own destiny, it was able to govern in a successful, autonomous fashion, over several centuries. Today with the evolution and changes it implies, the diverse contacts with the outside world, the question of governance has brought in non-African factors to the extent that African people do not identify with the model.

This presentation will show the evolution of governance in Mali

through different historical periods, the changes in legal points of reference, and the problems universal suffrage poses to legitimacy.

Before colonization

Before colonization, the worship of the gods and of the elders, dead or alive, held a very important place in society. Legitimacy was a function of age. Leaders were chosen according to their seniority – the oldest being closest to the elders and therefore the wisest. Power was transmitted from brother to brother in the order of birth, with an adult assembly confirming the decision. This assembly could choose to appoint a younger brother only if the older was, for some reason, unable to assume his duties (disease, mental or other patent deficiency). Also, the choosing of leaders was deemed too important in these societies to have everyone take part and was reserved for an elite group of carefully selected elders. Only a chosen few who drew their legitimacy from either conquest or descent from a ruling family, could accede to power. Power was always the preserve of a family or a clan. Attempts to change led to crisis.

The slave trade with the New World deeply affected governance in Africa's coastal states where the slave states of the Gulf of Guinea came into being. The impact on the Sahelo-Sharan states was lesser because they were further away from the coast and they had one thousand year of trading with the Muslim world via the Sahara and the Mediterranean Sea behind them. The determining external influence on the governance of this part of West Africa was Islam.

The advent of Islam would have consequences on all aspects of life, including politics. Power was no longer transmitted horizontally, but vertically, from father to son. This fundamental change in legitimacy and legality would be responsible for crises of succession in many of the states that adopted the new religion, before the father to son transmission patterns were adopted and took hold everywhere. In the Malian and Songhai empires, Islam left an indelible mark on the political, social, economic, and cultural functioning of the state.

The Dina (1818-1862) was a theocratic state, founded in the name of Islam and ruled according to its principles. This new power sought and received legitimacy from the assent of religious authorities in the region: the Kunta, who spread qadirriya Islam throughout the entire Niger delta, and the Dan Fodios, caliphs of Sokoto. The state was led by its founding sheik, the victor at the battle of Nukuma, and assisted by a great assembly composed of 100 ulema called the Batu Mawdo. Islam was the sole source of legitimacy and legality, serving as a reference for all political power, including the constitution of the Batu Mawdo. To be able to sit on such an assembly, one had to be at least 40 years old, married, well-educated (understanding and writing Arabic), know the Koran, memorize at least

two hizb,² and have studied at least eight works of Malikite law³.

At the founder of the state, Sekou Amadou's, death, his son Amadou Sekou succeeded him. However at his son's death, the ulema of the Batu Mawdo were divided as to whom power should go to next. Indeed, some considered the son Amadou Amadou too young at twenty and insufficiently educated to be Amir el Mumini⁴, the royal title of Dina rulers. They suggested a brother (actually a cousin) of the defunct who satisfied the established Islamic requirements of the Batu Mawdo. Others thought that they should respect Muslim tradition and pass power from father to son. Ultimately after a grave crisis overcome through recourse to pre-Islamic Peul traditions, Amadou Amadou succeeded his father. Crisis over; but not without leaving traces.

During the entirety of the precolonial period, problems related to the exercise, management, and transmission of power were dealt with and resolved by internal mechanisms. Populations had appropriated Malikite Islam, which allowed them to follow their own traditions. It spread rather peacefully (With the exception of a few wars of conquest like the Almoravide conquest of Ghana in the 11th century, which did not turn into an occupation or a massive invasion, or the foundation of the Dina which answered economic imperatives rather than religious ones.) among traders first, moving on to the ruling class and then progressively throughout the rest of the population. This explains why the change was not considered a foreign aggression, which would not be the case of colonization.

During colonization

Colonial conquest would completely change the ways in which power was obtained and exercised in Mali. Colonial powers would directly exercise their authority according to rules unknown and incomprehensible to native populations. Leaders who put up a hard fight against the conquest were killed or replaced by a rival branch of the family or by others from outside of the traditional circle of power. These newly installed leaders' power was confined to tasks entrusted by the colonizers: mainly levying taxes or recruiting forced labor. Moreover, the leaders who upheld colonial rule, had no legitimacy in the eyes of peoples subjected to rules they did not understand⁵ and which made of them infantilized and irresponsible French subjects.

(2) A division of the Koran and an ensemble of readings.

(3) Malikite Islam leaves quite a bit of room for customs and was widespread in this region.

(4) Commander of the believers.

(5) Djibo Hamani, in his statement at the international conference in Niamey in 2002 on traditional chiefdoms of the West African post-colonial state entitled, "Des Institutions pré-coloniales africaines à la chefferie traditionnelle," shows how French colonizers eliminated African leaders and concocted traditional chiefdoms to serve as an interface between colonial power and native populations.

The experience of the French conquest was completely different from all known practices. To build up empires, it was necessary to conquer other kingdoms. The defeated rulers were left in charge of their kingdoms, now provinces of the Central State. They were just subjected to the yearly payment of a submission tax.

After World War II, the fundamental human rights of the colonized peoples were finally recognized, including eventually the right to choose their own leaders. They would still be reduced however to choosing their leaders according to the completely alien rules instituted by the colonizers, instead of a return to traditional African forms of accession to power. The first organized elections were favourable to “friends” of the colonizers. Very quickly though, the African elites would come to understand and adopt the system, using it to their own advantage to defeat the colonial regime in the name of the principles of Liberty, Equality, fraternity.

With independence

Having gained independence, African leaders chose to maintain the colonial power system the rules of which had brought them to power to the detriment of those who possessed traditional legitimacy.

The electoral ballot and universal suffrage had become the sole source of legitimacy. However, they were soon void of any democratic value, with the rise of one party systems. Leaders, including those in elected positions, were designated according to their partisan affiliations and their fidelity to a party, or through allegiance to the president of the republic, who was the chief of the state/party and who made all the appointments. Legislative and presidential elections took place regularly and formally, giving the appearance of respectability and legitimacy to those in power. No one was fooled, yet everyone (even those denouncing bad governance today) turned a blind eye. The vote was neither free, nor democratic.

The system endured, distortions and all, because a degree of appropriation took place via the integration of some beliefs or practices. For instance, in Africa, you do not leave power, you die in power. The people must submit to the power. In fact only one element is taken into account here, the attractive one: what is owed in return, i.e. the people that have submitted will be guaranteed security, prosperity and well-being has been overlooked. That was the price or condition of submission.

In the end the system became intolerable. The power did not play its part, it did not provide for the whole of the people what they had every right to expect, security and well-being. Only a minority made up of parents, friends and allies benefited from the system. The masses were denied both power and their share of national wealth.

After the Second World War, the Malian political and intellectual elites asked that the French Republic motto of Liberty, Equality,

Fraternity be respected. It defaulted by practicing, condoning and collaborating with an autocratic and partisan power. It is civil society and in particular women, young people, trade unions, magistrates who from 1990 onwards demanded the respect of democratic principles and the implementation of multipartism

The Malians would eventually recognize that this power brought them neither well-being, nor security⁶. In March of 1991, they would get rid of this system by a violent popular revolution, creating a « Transitional Committee for the Salvation of the People » (*Comité de Transition pour le Salut du Peuple* - CTSP) who led the transition and was responsible for bringing Mali into modernity through democratic and republican institutions. In doing so, Mali broke away from its own history and political culture. The 1992 constitution, the political party charter, and the electoral code⁷ turned a new page for Mali, bringing it into the club of democratic and modern nations, where only universal suffrage confers legitimacy and legality.

What is the legitimacy of universal suffrage in the context of Mali?

The vote is the principal form of expression of democracy. Universal suffrage is the way in which it is exercised. It involves everybody including the young, in the choice of their leaders. Anyone can run as a candidate for an election and become president, representative, or mayor. Eligibility criteria are strictly defined by law.

However these new sources of legitimacy and legality take into account neither the political-institutional heritage nor the mechanisms for the reproduction of power in Africa. As already stated, in the past only an aristocratic, warrior, or religious elite of a certain age, had access to power. Leaders used an extended system of consultation, exercising power in a collegiate manner. Those who were concerned by a decision were consulted before it was taken, although not everyone could participate in taking the decision. One can see that the idea of democracy is not foreign to Mali, even if the base of democracy was small, and only aristocratic, warrior, or religious in nature.

In reality, the way in which things are perceived today, show us that universal suffrage may have conferred legality upon those that are elected, but it has not conferred legitimacy. The Malian population is made up of over 70% of illiterates, little able to understand the new way in which leaders are chosen, a way which has not, incidentally, improved their living conditions.

(6) In certain precolonial states, ensuring the population's well-being, security and prosperity was an obligation of the sovereign. If he was not able to deliver for one reason or other, then he was simply eliminated.

(7) The Political Party Charter and the electoral code were modified several times as the young democracy sought to take root.

The explosion of political parties does not correspond to any political or social reality within the country. The people are unable to identify with or relate to the party system, motivating only very few to participate.

What is the legitimacy of leaders who come to power via elections in which only a quarter of the potential electors actually cast their vote?⁸ What is the legitimacy of leaders designated through a method (universal suffrage), which represents and signifies nothing in the collective memory of the vast majority of the population? What is the legitimacy of leaders who are not recognized as such by their citizens? What kind of legitimacy does universal suffrage confer upon those it elects when elections are systematically contested by the defeated opposition? What is the legitimacy of elected leaders when they are forced to integrate losers into their administration in order to govern? What is the validity of universal suffrage when the majority of the population is illiterate?

All of these questions, and others, show how difficult it is for the populations to appropriate a way to access power perceived to be foreign. The following anecdote is a fine illustration of the conflicts inherent to this situation.

In 1988, during legislative elections in Nara, a man threw his wife out of their home because she had voted for her brother's party, a rival to her husband's. For the wife, she had to be on the side of her brother and support him under any circumstances. If she were ever to have any serious problems, it would be down to him to take care of her. For the husband though, his place at the head of his family entitles him to obedience from his wife, who should recognize her husband's wishes and obey him under all circumstances. How can he ask others in his city to vote for his party if he cannot even get his wife to do so? A woman for whom he had paid a dowry and whom he keeps under his own roof! It is the ultimate humiliation. The couple could only be saved through internal homegrown conflict resolution.

What is the legitimacy of multipartism against such a socio-cultural reality?

Native populations have learned to adopt and adjust to imposed modern forms of power in their own way. Belonging to a political party is not done as a function of political platforms or social projects, but as a function of relationships, family, friends, and alliances. During electoral campaigns, village worthies receive all of the party candidates or representatives with the same consideration; accept their homage,⁹ and all the cam-

paign literature from all the parties. They spread themselves across the parties that matter in such a way as to keep the village always on the side of the winner no matter what the results of the election.

Through decentralization and local elections, rural populations are increasingly involved. In rural communities, the village chief (traditional chief) preserves his prerogatives and coexists with the elected mayor, representing the new legitimacy. When the populations understand the importance of the mayor the matter is settled at that level, they campaign strongly for local elections in sharp contrast with national elections. In addition, no matter what the political affiliation of the mayor, once elections are over, populations put political differences aside. The local council, the village chief and his advisers work together for the development of the local community. In urban areas, on the contrary, winning political parties lord it over the others.

Democracy is a universal form of governance that is sufficiently modern for Africans not to adopt it in a globalisation context. It is the responsibility of the intellectual and political elite to return to the font of our identities so that we find our bearings and integrate the essence of our politico-institutional heritage and our culture in these new forms of governance.

To this end, we must "get off the other guy's mat", as the late Dean Ki Zerbo would have said; the other guy's mat will cut off our roots. We must give our national languages the place they deserve in our educative system. As long as we continue to teach in a foreign language, which carries another culture, it will be difficult to anchor the young in their own culture, not to mention let alone understand the system. Today most of our States allocate more than a quarter of their budget to education and yet there are more and more children who do not go to school, more and more graduates out of work in countries where we need everything. The education system is in crisis in our countries!

We must "get off the other guy's mat" by setting our own priorities. Structural adjustment programmes, runaway liberalisation, the privatisation of key sectors such as water and electricity, the spectacular decay of the State all forced upon us by the donors in countries where the private sector is in no position to play a major part will do little to advance democracy and good governance.

Gaining a foothold in modernity demands that populations understand both the sense and the system of universal suffrage. For example, during the legislative election of 1992, the first pluralist elections since independence, the inhabitants of a village could not understand that the candidate they had voted for had lost and that the opposing candidate was elected with less than 30 votes. It had been explained to them that the one who got the most votes would be the winner and be elected! What had not been explained though, and what they did not know, was that on the day of the election, the chief could not publicly tell them whom to vote for. He did and consequently, the chief's party was challenged and disquali-

⁽⁸⁾ The small level of participation in different elections is the greatest weakness of democracy in Mali.

⁽⁹⁾ Giving the host some kola nuts or a few bank notes is one way to pay homage and show one's deference.

fied. In order for populations to adopt the different concepts inherent to democracy, one must use relevant cultural references that they will be able to understand. Alternation, the power to keep or remove leaders from power, for example, is one of the major acquisitions of universal suffrage. In the majority of precolonial states, only leaders who practiced “good governance” could come to power and keep it. Weak and irresponsible tyrants or those who cared little about the general well-being of the people promptly disappeared in one way or another.

if they want to be credible in the eyes of their people and their partners, and if they want sub-regional integration to work, nation-states, born of the colonial system have no alternative but to reinforce democracy by making it understandable to their people.

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Past rules and the tricky choice of current leaders

Lecture by Atsutsè Kokouvi Agbobli

Introduction

If governance, a term still unknown to the official French dictionary established by the *Académie Française* (French Academy), can be understood as the set of characteristics making up a country’s government, good governance must imply a clairvoyant and effective political leadership, and bad governance, a leadership that is not so.

Underdeveloped and generally late in the field of development in relation to other regions of the world, Africa, as a whole, plays host to a multitude of problems: inter-ethnic tensions, inter-religious antagonism, widespread poverty including malnutrition, hunger, and famine, harsh acts of repression with massive violations of human rights and freedoms, and civil wars, the cause of which is attributed to bad governance.

African governments are reproached with their indifference to the goal of politics, which, according to Edmund Burke, an 18th century British writer and political scientist, is to “*assure development and reduce inequalities*” throughout a given country. Moreover, two hundred years after his death and even after the considerable progress made by the human race in the domain of state power, the goal of politics is still understood to be to “*assure development and to reduce inequalities in the area of freedoms, human rights, and the rule of law.*” These goals can only be translated into an effective course of action if political leaders analyse world events correctly, inspired by national and universal historical lessons, taking to heart their peoples’ aspirations towards genuine development.

In this sense, governance remains something complex, complicated and elusive. For the most part, governance depends upon intellectual values and the individual vitality of given nations and peoples, on their national history, on the international political environment and power relations, on political relations with other countries, on their collective ambitions and place on the international chessboard, and most of all on the sense of responsibility of their political elite. Such conditions are far from being met in contemporary African societies, subject to outside influence and without the real freedom to assert themselves, enough to awaken intelligentsia and politicians and to invite urgent questions on conditions of accession to power.

I. Choosing leaders during the precolonial past

Although political institutions in precolonial African states were essentially monarchic, generally they were far from autocratic especially since, in Africa then, not everybody could become a chief. Belonging to the ruling family, wealth, and power were not enough to guarantee anyone the right to rule over an established human community.

From the smallest community, organized by clans or lineages living in villages, to tribes and ethnic groups making up kingdoms and in some cases even empires composed of many ethnic groups, leaders were generally chosen within a ruling family according to established rules, except in cases of conquest and usurpation. These rules go back to the dawn of time when the first human clusters were made up of groupings of families in clans or lineages, then into tribes, and lastly from tribes into ethnic groups which hardly amounted to schismo-genetic social clusters?¹⁰ Directed by powerful family chiefs who possessed a heavy authority on the entire family, clans and lineages, the people living together in a single village, generally delegated to a single family the responsibility to say prayers and to do various libations and sacrifices to the gods, and also to manage common affairs under their close control, starting with security and settling disputes.

In turn, clan, lineage, or village chiefs, regrouped at the tribal level and embracing several villages in a superior political structure, even a kingdom, designated a clan or lineage at the heart of which a superior chief, even a king, was chosen to attend to responsibilities assigned to village leaders but on a larger scale. Ethnic groups regrouped tribes and sometimes clans or autonomous village lineages, and were ruled by kings, who themselves were also generally chosen from within a single family designated as the ruling family by superior chiefs and village chiefs.

Topping these political edifices were found, in certain regions, such as Western and Central Sudan, the Congo basin and southern Africa, veritable empires federating kingdoms and chiefdoms. The way in which their leaders were chosen was not very different from the way in which any other leader was chosen, except in the case of empires formed out of conquest. It was up to the founding family to constitute the ruling family, within which the supreme leader was chosen on the basis of the qualities needed for the job, and according to established rules.

At the death of a chief, superior chief, king or emperor, the established rules enter automatically into play. Like wherever power cannot be

left vacant for one moment, a regent, a person generally known for their wisdom, a land master, is promptly delegated before the qualified body assembles to find who within the reigning dynasty will be the best successor.

In accordance with a bambara precept, the chief is easily imagined as being a sort of garbage dump, collecting trash, and thereby remaining attentive to all whom he administers, collecting and receiving their needs and pleas. The choice of this chief often falls upon a man in the prime of life, fit and healthy, mature, and sufficiently instructed in the traditions and history of his community. He is known for his capacity to listen to others and for his patience and generosity, his firm application of his judicial decisions, and he gives public audiences in order to show these qualities.

Despite the influence of Islam favouring a more constraining power, a kingdom like that of Kayor (present day Senegal) was remarkable not only for its organization of power and the bodies set up to assist the sovereign in the exercise of his functions (the *Damel*), but also by the strict rules that governed the succession to the throne after the death of the reigning sovereign.

As with the feudal system of the European Middle Ages, the chief knew, that he was dealing with other family, clan, or lineage leaders who reigned on small quasi-independent units, that he was solely charged with the administration of common affairs and of adjudicating in disputes between individuals, liable, as in any organized society to spread to families and beyond. Not being a sovereign by divine right, answerable solely to God, the chief is chosen by his peers to assume the functions of sovereign in the interest of the community. This practice endured until the Arab-Muslim conquest, followed by the slave trade to the Americas, and then the European invasion and occupation, deeply altering the nature of power. These events constituted a turning point in the method for designating chiefs and sovereigns, which would be done from that point on via succession to male primogeniture or by violent usurpation.

II. Choosing leaders under foreign influence

The Muslim Arabs' invasion and conquest started in northern Africa in Egypt in 640-642 and ended in Morocco in 700-711 with the conquerors rushing into Spain in 711. At the beginning of the 8th century, the same Muslim Arabs proceeded to invade and conquer East Africa (Nile Valley) via the coasts of the Red Sea and the Indian Ocean. In their first battles, they had to face Christianised Aksumites and Ethiopians who, perched high above on unassailable plateaus, blocked their advances. The Arabs continued down the coast and created outposts on the islands and on the coastline of present day Tanzania, but were blocked by the Sudanese from entering the Nile Valley for more than 600 years, until the 14th century. Via progressive infiltration and islamisation notably through commerce, they were able to proceed into the Sahel assisted by islamised Berbers and

(10) In cultural anthropology, a society is called schismo-genetic when its mutations are founded upon force and violence between its classes and sectors. This concerns notably European societies and even some Asian societies which are essentially marked by a permanent struggle between social classes and sectors. On the other hand, before the irruption of foreign conquering nations, the majority of traditional societies in Africa, pre-Colombian America, and in Oceania, which were based upon the permanent quest for consensus, were judged stagnant for their lack of internal capacity to evolve and, in this light, were considered as not having innovative internal dynamics.

Tuaregs in the 11th century. Islamisation imposed governmental succession systems based upon family dynasties, conforming to Arabo-Muslim practices even for those communities who voluntarily converted to Islam.

Between the invasion and the destruction of the Songhai Empire of Western Sudan by the Moroccans at the battle of Tondibi in 1591, and the invasion and destruction of Eastern Sudan by Mohamed Ali's Egyptian troops in 1822-23, the northern third of Africa reaching down to the southern reaches of the Sahel became an expansion field for conquering Muslims to build kingdoms and empires.

They were slave states the usually authoritarian – if not despotic government of which accommodated slavery. Power succession was dynastic and family oriented, and remained so in Northern Nigeria where the family of Usman Dan Fodio, the great 19th century conqueror and empire founder, reigns today on the sultanate of Sokoto.

At the same time, looking for black slaves to export to the New World, and to island plantations in the Indian Ocean, European slave traders equipped with firearms waded into the Gulf of Guinea and the Indian Ocean where their armed intrusion contributed to the general reconfiguration of these invaded regions. They introduced firearms that would give an advantage to their owners, who from these coastal zones set about the creation of warrior kingdoms, specialized in the supply of “ebony wood” to their European slave trading clients.

In these states bereft of collective ambition for their populations, power succession could only be dynastic, kept within the founding family of the slave state, or else, it resulted from a bloody usurpation. At the same time, in isolated and remote regions sheltered from slave traders' raids, chiefs and sovereigns were able to conserve their traditional succession practices - albeit that in order to protect the community from slave raids, powers now fell to chief whose fighting skills can offer the community greater safety.

As the slave trade receded resulting in an endogenous reconstruction of Africa's political map from 1830-1880, villages, kingdoms, and empires could constitute states with power accession models combining traditional practices of selection by a constituted body with the dynastic succession by male primogeniture or favouring either.

These practices were upheld by European savvy colonial technocrats, but not before divesting authority figures of all their power and replacing the ruling dynasties, toppling those hostile to foreign presence.

Indeed, there were two principal forms of colonial administration. On the one hand, the method of “*Indirect Rule*,” spearheaded by Frederick John Dealtry Lugard, later Lord Lugard, instituted in British colonies. This system sought to preserve traditional political structures in Western Africa, notably in Nigeria and the Gold Coast, and in Southern Africa where monarchical structures were retained in Swaziland, Basutoland (present-day Lesotho), Bechuanaland (present-day Botswana), and in Eastern Africa in Uganda and the sultanate of Zanzibar. On the other hand, the method of “*Direct Administration*,”

principally instituted in French and Portuguese colonies (not to mention the combination of the two systems in German, Spanish and Italian colonies). In this system, the chiefdoms and kingdoms set up nearly everywhere to rule new territorial collectivities were emptied of all authority and their leaders, often subjected to or compromised with colonial occupants, were chosen among the auxiliaries to the colonial troops and known for the damage they caused.

Foreign through and through, the power of these men in the service of the colonizers was nothing more than the driving rod for the latter on whose good will they depended until independence.

Following African independence, it was necessary, given the diversity of the socio-historical experience lived by the populations, for the intelligentsia in each new state to reflect carefully upon the nature of political regimes, monarchy or republic, intended as a blueprint for the future.

Failing this, African societies find themselves without a clearly defined political orientation and without effective political institutions.

III. The tricky choice of current leaders

The current method for designating leaders in Africa suffers from a state of dependence. Although decolonised, African countries remain integrated into spheres of influence or in the expansion zones of advanced nations who have a vital need for their natural resources and markets.

In this regard, the current method for designating leaders in African countries, the object of particular attention from dominating foreign powers, is subject to the old colonial principle of “*divide and rule*” as applied to states, not meant to unite, ensure development and reduce inequalities, but rather to “*bring about hate, dissatisfaction, discord, disorder, and anarchy*,” the better to dominate their populations, according to colonial technocrat French Maréchal Joseph Gallieni.

With these states, which for the most part can hardly be said to reflect the collective ambition of their people but rather the interests of foreign powers through the privileges granted to their rulers, the choice of leaders results from egregious arrangements rather than rules formally enshrined in the constitution.

Certainly, in monarchies or republics established in Africa, strict rules govern the choices of leaders and officials. Outside of the kingdoms of Lesotho, Morocco, and Swaziland, where they are designated according to long established traditional rules, the presidents of Africa's republics are elected by direct universal suffrage. However, this universal suffrage evokes more a Bonaparte-like plebiscite than a free, fair, and transparent ballot responding to universally recognized democratic norms.

Even then, the results are often decided in advance and are besmirched with fraud, irregularities, and fiddling condoned by foreign powers anxious to keep their vassals in power. Administrative posts of responsibility, even those formally based upon entrance exams and necessary competences, are subject to

arrangements founded upon nepotism, clientelism, and tribal/ethnic/regional considerations, obstructing the most deserving and often making public services ineffective like the rest of the semi-public enterprises.

Indeed, this mismanagement of the choice of leaders in African countries testifies to the fragility of states built upon political systems and regimes that are inadequately adapted to socio-historical realities and to the ambitions, aspirations, and hopes of contemporary African society.

IV. A political system adapted to the modernization of african societies

In reality, the debate on the best political system to manage African societies dominated from the exterior and aspiring to develop and to democratise goes hand in hand with the debate on the requirements of an African state yet to be developed with a view to act as a motor for development and the reduction of inequalities.

Indeed, this question asks how to develop and democratise ailing societies dominated from the outside, but forgets that the stable democratic industrial countries of today have almost all passed through several successive regime types, from enlightened despotism to liberal state and then to democratic state, now preparing themselves for a more deliberative democracy devolved to better informed better educated citizens.

And one must not forget dictatorship, the political system of exception. Today it is systematically criticized, but it is used to temporarily manage a state of emergency with the goal of returning to institutional normality. Old democracies resort to it when under a state of emergency or of siege, constitutionally instituting dictatorship to administer serious crises beyond the regular institutional capacities to govern. Convinced of the difficulty to govern democratic societies, philosophers and political thinkers, nay politicians like those assembled in the Trilateral Commission¹¹ are quite prepared to consider checks, indeed reduction of liberties and human rights, in order to make advanced industrial societies more governable.

⁽¹¹⁾ The Trilateral Commission was created in November 1972 by high ranking members of the Council for Foreign Relations (CFR), a very influential North American policy circle located in New York, and of the ultra secret Bilderberg Group, comprised of American personalities from the highest ranks of politics, finance, economics, the press and their European allies including East-European reformers under the guise of Soviet leader Mikhail Gorbachev and Asians. Its official objective was to bring all industrial nations of North America, Europe, and Japan together to build a tight political and economic cooperation.

Some of the most well known initiators were financier David Rockefeller, political scientist Henry Kissinger, national security adviser to President Richard Nixon and future Secretary of State to Nixon and his successor President Gerald Ford, and Zbigniew Brzezinski, future national security adviser to President Jimmy Carter from 1976 to 1980.

Among the best known French personalities were Jacques Chirac, Raymond Barre, Roland Dumas, Jacques Delors, and Thierry de Montbrial. All democrats, its members took conscience of the fact that "the more a system is democratic, the more it is exposed to intrinsic threats," in a report published in 1975 on the "governability of democracies."

As for notable thinkers of the Commission, conscious of the ingovernability of advanced democratic societies, one can note Americans Henry Kissinger, Zbigniew Brzezinski and Gerald C. Smith, secretary of the American branch and Frenchman Georges Berthoin, secretary of the European branch.

Thus, the question of choosing leaders integrated in the problem of governance is linked to the conception of the state. As an enterprise of public interest, charged with the administration of power within a community and having the monopoly of the legitimate use of force, the state needs to enjoy independence and full sovereignty in order to correctly ensure the protection of its citizens and to effectively accomplish its goal to develop and to reduce inequalities on lands within its jurisdiction. This is not the case, though, in many so-called republics, notably in black Africa where chiefs, superior chiefs, kings and other emperors still enjoy enough prestige to defy the authority of the state.

If one considers the history of contemporary industrial and democratic nations, it is the mission it gives itself which structures the State, moving from enlightened despotism, to liberal patrimonial state, to a police but democratic State where, in societies where freedom is very broad, power is further devolved through further democratisation of the institutions.

At each of these steps in the process, the choosing of leaders was a function of the responsibilities needed. Charismatic, rallying, insightful, effective and visionary leaders are called upon to create or lead a modern and strong State and to build an industrial and prosperous society. They manifest themselves rarely, sometimes one or two a century and contemporary Africa is no different as its intelligentsia struggles to intellectually prepare for the required socio-political changes.

Conclusion

Contemporary African societies teeter between tradition and modernity, suffering without a doubt from a lack of clairvoyant and effective political leadership, which, according to Singapore's Lee Kuan Yew, is the source of decline of all peoples and nations. But, this flaw hides an even greater evil: the extreme difficulty, even the incapacity in which African elites find themselves to modernize their societies. A new vision of the world, a new conception of living and a new methodology need not exclude the positive traditional values that would enable their people to preserve their cultural identity.

The solution will come from the vast undertaking of educating and preparing African populations. This solution will require that the African intelligentsia convince itself and all the other classes and social sectors of Africa that life is a struggle and the world is rife with competition, rivalry, and combat, considering always the modernization of African societies in the light of larger world issues and challenges to be confronted.

On this point, one must steer clear from angelism, candour, idealism, and sentimentalism and not believe that help will come from the outside. Strenuous efforts and difficult sacrifices are to be expected in the long run, for it will be a long time before the necessary accumulation of intellectual, moral, scientific and technical education reaches all levels of society.

This delicate period can only be administered by a strong state, committed to democracy, led by thinkers with the most fertile imaginations and steadfast statesmen.

The choice of leaders as inspired by the African historical period

Lecture by Ntji Idriss Mariko

To speak of governance in pre-colonial black Africa is to speak of socio-political systems and structures which then existed through the exercise of power, the institutions which materialized this power, and their operation. Our study will focus on Western Africa where State formation occurred early and where States succeeded one another until the 19th Century.

One could be tempted by a distinct and detailed study of each political formation. This would lead, chronologically, from the Empire of Ghana to the Bambara Kingdom of Ségou or to the Peul Empire of Macina, and include the Empire of Mali and the Songhoy Empire. However, this approach would lead to repetition given that the majority of these “States” borrowed from their predecessors. It thus appears more adequate to bring out the general traits of these empires or kingdoms, illustrating our views by concrete examples, which should not detract from highlighting individual features. We take as read the conclusions of Cheikh Anta Diop: “In every part of Africa organized as States, the political and social structures of the time (from the Empire of Ghana to the 19th Century) do not seem to display more than minute differences.” (1)

Before we can focus on the case of established States, however, it seems useful to evoke certain realities on which the notion of “power”, and thus that of “leader”, were founded in traditional Africa. First of all, societies were marked by the prevalence of the oral tradition and lent primary importance to accumulated experience, whereby the patriarch was the eldest, the best informed. The central unit was the family. When families joined forces and interests, a village was formed in which the chief was first among equals, on whom he relied for the exercise of power, not through coercion but through consensus.

The majority of villages were founded by hunters who became their chiefs. The creation of a village led, however, to the risk of conflict with other communities, insofar as groups were in search of fertile earth, of watering points. This potential menace made the adoption of defensive measures necessary, not only to fend off other men, but also to keep dangerous animals at bay. This lent a distinctive importance to hunters. Some of them became “mansa” (kings) and established the hegemonic domina-

tion of one lineage above others. Versed in matters of the occult, they attached a religious dimension to their power and came to dominate rituals. The belief that his spiritual powers could guarantee the happiness of the people was cultivated by the mansa: the abundance of rainfall through the sacrifices he conducted was in his gift. However, in this society of hunters, rooted in a conception of honour, integrity and moral rectitude, the rules of succession were founded in individual competence.

Inter-group conflicts would however lead to the subjection and domination of some chiefs by others. Coercive power thus came to replace the consensual exercise of power of the beginnings, leading to the creation of “States” and to the advent of the leadership of “sovereigns”, which called into question traditional rules of succession and the exercise of power.

Whether kingdom or empire, all the States of Sudano-Sahelian Africa of the time adopted monarchical forms. Their chiefs had acquired power not through popular choice but through seizure or lineage.

The power of the monarchs could be absolute or not, depending on the importance given by each to traditions and on the influence of aides and counsellors. The sovereign (or emperor) was the primary institution of the State. Chief of State and government, he ruled until his death, sometimes even in spite of incapacitating disability: such was the case for Bassi of the Wagadu-Ghana and for Askia Mohammad in the Songhoy, both of whom ruled despite being blind.

The sovereign had the power of appointment to State functions, and represented the last resort of justice. He often was judge within the capital, for example in the case of the sovereign of the Wagadu-Ghana, who handed judgement in the town every morning.

He was also a military leader, the head of the army, which he sometimes led to combat in the course of important expeditions. Many examples can be cited in this case: Soundjata and Soumaworo of the Mandé and Soso, Sonny Ali Ber of the Songhoy, Da Monzon Dirara of Ségou, etc. He often appointed experienced warriors to head his armies. Soundjata thus appointed Tiramakan Traoré and Fakoli Kourouma to lead expeditions in his name; in Ségou the sovereign Da Monzon Diarra could rely on Bakary Dian to lead his troops.

The sovereign had the power of appointment in political, administrative, military and religious functions. He thus appointed ministers, dignitaries with real power, for example in the Songhoy or the Macina. He also named provincial governors who played an administrative role. In some political models based in Islam, the imams and cadis were appointed by the ruler. The Songhoy and Macina are, in this case, typical examples. The appointment to key military positions also lay, most often, within the powers of the sovereign: as exemplified in the Mandé, the Songhoy, in Ségou and in the Toucouleur empire of El Hadj Omar.

The imperial or royal Court also pre-dated colonization in black Africa. It comprised the ruler’s family and dignitaries. Apart from the sove-

reign's wives, other members of the Court were often granted positions. Princes could thus become generals in the army or provincial chiefs. In the Songhay, many of Askiya Muhammad's children headed military units or provinces. In Ségou, under the Diarra dynasty, princes were in charge of the administration of provinces named *Dendugu*.

Dignitaries often played the role of ministers. In the Songhay and the Macina, ministerial tasks were quite similar to those found today: the Songhay had a minister of the Treasury, a minister for Aliens, etc. The ministers were also part of the Imperial Council that met at the sovereign's request to debate on important questions and decisions. This council thus played a legislative and an executive role. In the Macina this council was well known, and was composed of forty members chosen along criteria of integrity, age (forty years old was the minimum), and education. This Great Council, or *Bato Mawdo* in Peul, was the leading organ of the Dina and played a legislative and executive role. A Small, or Secret Council existed alongside it. Its membership was much more limited and its members followed Sékou Ahmadou when the Great Council was not in session. Such councils of dignitaries strongly resembled a government and it can thus be said that they constituted a distinct institution, albeit within the imperial Court. Their composition was in general left to the discretion of the ruler with the exception of the Macina where strict criteria for membership applied. Debate within the Council was strong, and although the final decision was the sovereign's to make, he had to consider the opinions expressed, as much as his country's customs, traditions, and interests. Such debates took place in the Courts of the Mandé, the Ségou, the Songhay, and especially in the Macina and Toucouleur.

The army also represented a state institution. It was all the more important insofar as it allowed the acquisition and expansion of power. It allowed control over enemies from within, and territorial aggrandizement. It thus benefited from specific attention. As mentioned above, the sovereign was also the chief, and sometimes field commander, of the army, when they did not appoint trusted aides to fill this role. This is to say that the majority of rulers were primarily warriors, as in the case of Soundjata and Binton Mamary of Ségou, or in that of Sonny Ali Ber in the Songhay. Conversely, many military chiefs also played political or administrative roles: they could serve as ministers or provincial chiefs in the Songhay. Before he seized power in 1492, Askia Mohammad had thus been an army general and the head of the Hombori Province.

The harmonious working of these institutions allowed the exercise of power, and even more so when its transmission was assured within contemporary social norms. Transmission of power was principally conducted along matrilineal or patrilineal lines. Matrilineal succession, where the nephew follows the uncle, was in force notably in the Wagadou-Ghana. It is a pre-Islamic form which today has disappeared in Western Sudan, but still exists among a few ethnic groups of the Côte d'Ivoire. On

the other hand, patrilineality, in which the son succeeds the father, was introduced and propagated by Islam. It was practiced among socio-political structures from the empire of Mali until the last kingdoms, which disappeared with colonial conquest: Songhay, Ségou, Karta, Macina, Toucouleur, Kénégoudou, etc.

These two models of lineage were not always properly applied, and power was often seized by individuals who had no right to it. Numerous examples can be put forth in the Mali Empire, such as that of Sakoura, thought to have been a freed slave. In the Songhay, two cases having led to the establishment of new dynasties can be noted. First, that of Ali Kolen and Souleymane: Made hostages and taken to the Mandé, they escaped and reached Gao, where they seized the throne from the legitimate sovereign and created the Songhay dynasty. The second example is that of Mohamed Sylla, who founded the Askia dynasty. An army general supported by Muslim clerics, he seized power from the successor of Sony Ali in 1492.

In Ségou, in 1766, Ngolo Diarra took power by force and created the Diarra dynasty. One can draw from these observations conclusions on the forms of succession in pre-colonial black Africa: if matrilineal and patrilineal systems of succession allowed, in principle, to avoid disorder and power struggles while reinforcing the foundations of the State, the violent takeover of power, on the contrary, weakened central authority and sometimes led to the ultimate decline of the State. Furthermore, these models of succession illustrate the fact that the people's will played no part, power being passed down by lineage or taken by force. This, and although legitimacy is not one-dimensional, could only represent a limit to the legitimacy of the sovereign in the eyes of his subjects. As a result, these States always remained vulnerable to internal crises or unrest, and even to attacks led from outside their own territory: their dictatorial nature only added to their weakness. Pre-colonial African States were characterized by varied administrative systems. Centralised administration was the most common form: the sovereign appointed his direct representatives in different provinces. Every State organisation went through this system, from the Wagadou-Ghana to the Toucouleur State. Governors ran the provinces in the name of the sovereign and implemented his orders and directives: tax collection, provision of military conscripts for the imperial or royal army, etc. Some regions were made into provinces administered by a governor for their economic or strategic importance. Thus the ruler of Mali appointed a representative in Walata to protect his interests through the taxation of Arabo-Berber traders. Governors were often responsible for ensuring the peace and security of the region under their command, and garrisons were thus under their orders. Besides this administration, there existed another, more autonomous system of vassal kingdoms: their only privilege was the right to be led by traditional local chiefs and not by a centrally appointed governor. They thus had to pay a tribute to the sovereign and to supply troops for his army. Such vassal kingdoms existed in Ségou, in the

Mandé and the Macina, and in the Mali Empire, of which the Diarra and Wagadou-Ghana kingdoms were vassals.

Within the Ségou Empire some towns also benefited from such autonomy: the marka cities such as Sinsani, Nyaouwa, Duguba, etc. These towns were run by local chiefs who answered directly to the central sovereign. They were settled by the markas, who had a reputation as big traders and operated their business on the markets of these towns. This ensured a revenue for the town leader, and thus for the Ségou sovereign. Yet in the Ségou a central administration also existed, which controlled the central zones, comprising more or less today's Ségou and Pélenguana, etc. This area of centralised administration, known as "TODA", expanded with time, and it is there that one could find the afore-mentioned Dendougou.

The study of the political organisation of African empires and kingdoms bears out their leaders' search for a mode of governance rooted in the sociocultural realities of their countries. Of course, one could not say that a perfect political system ever emerged. In fact, such a system has never emerged anywhere. However one can bring to light a clear continuity in both space and time, each regime having drawn from its predecessors' experience. This continuity would be severed with colonisation, which pursued a "clean slate" policy. Showing utter contempt for customs and traditions, ignoring – sometimes wilfully – the continent's history, the colonising powers fashioned a system of governance designed to ensure their domination and the achievement of their politico-economic aims.

Contact with the West led, in Africa, to new ways of life and to new conceptions. New ideas of governance, inspired by the European experience, emerged. The legitimacy of the ballot box superseded that of inheritance or violent seizure of power. The idea of majoritarianism has imposed itself as the basis of any democratic regime, the sole criteria of legitimacy today. It has become a magical brew, a potion which everybody must drink - never mind that it is not digested in the same way by everyone. It appears to us that the imposition of a vision inspired by the sole experience of a single part of the world, the West, to peoples of diverse histories and cultures is loaded with risks. The risk of proclaiming oneself a democrat without real conviction, simply to do, or rather say, what everybody else does or says. Indeed, the implementation of a real democracy requires the acquisition of a political culture many Africans have not acquired today. What is the worth of democracy through majority vote in most of our States today, given the level of civic instruction of the electorate? Of course, the majority is always right. But which majority are we referring to? That composed of voters who are conscious of their responsibility, or that composed of voters ready to sell their vote for a few kilograms of sugar or a few cans of imported powdered milk? What legitimacy can a leader elected by twenty percent of voters claim?

These, and many other, questions must still be considered when we speak of the question of the choice of leaders in today's Africa.

What the past teaches us

The history of our kingdoms and empires shows that pre-colonial political organisation rested on a number of permanent features.

The first is that the leader, from village to central level, did not act alone. For instance, the village chief was the oldest in the village. In possession of the experience and wisdom acquired with age, he was assisted by the heads of family who gave directions and this safeguarded a community from abuse. Villages gathered into a province administered by a representative of the king or of the emperor whose decisions were guided by customs and traditions. Central government ruled taking into account the province governors' advice and recommendations.

So the individual was, in one way or another, taken into consideration – but on modes inherited from well-tried cultural traditions. Even the colonisers frequently sought support from native chiefs whose influence was rooted in their environment's socio-cultural experience. This political structure in which the leaders' legitimacy was anchored in tradition was discarded with independence. In our days, legitimacy by birthright or lineage has been superseded by legitimacy by universal suffrage.

Democracy has given all the citizens the right to have a direct say in the choice of their leaders. Everybody can elect and be elected. In the old days, a leader whose behaviour clashed with customs founded in honesty and decency would be discharged or quite simply toppled. Today the law gives everyone, in accordance with the *Loi fondamentale*, the possibility to become President of the Republic, or representative, or mayor, without the voters whose endorsement he seeks knowing anything of his morality, or physical and intellectual aptitude to fulfil the position he solicits.

Fine words have replaced action. Pretenders vie with each other in handsome promises. The people, more than 90% illiterate, have no understanding of universal suffrage's workings, emanating as it does from a political culture that has nothing in common with their own.

Political parties are formed on the basis of common interest – creating contrived alliances, with no government programme other than procuring their sponsors with a share of the national wealth. Ordinary folks get nothing out of it and become averse to playing in the hands of opportunists of any colour or shade. No wonder then that, on election day, the citizens happily mind their own business, steering well clear of the polling stations. The rare people who carry out their "civic duty" are very frequently motivated by objectives quite foreign to patriotism such as support for a relation who, it is hoped, will remember them if he wins, or an expression of gratitude for a candidate's good deed towards them.

Add to this the practices of agents whose responsibility it is to ensure transparent elections but who distort the result by stuffing the ballot boxes, forging ballots and faking the results, and you will have every right to wonder what legitimacy can ever be claimed by rulers elected in such a way.

The only way to curb the appetites of unscrupulous politicians is civil society coming to its senses and pressing a lot harder for proper training in citizenship, based on educational approaches designed to ensure the people's awareness of their rights, but also of their duties. Democracy is freedom but our freedom stops where that of others begins. Democracy should under no circumstance signify, laissez-faire, free for all, anarchy.

To this end, leaders must be chosen who are able to ensure that the Law is respected. This supposes in turn that they rely on legitimacy to found their authority. Of course, we will not be able to restore the values on which our emperors and kings had founded their greatness but it is more than ever necessary that, in their daily actions, our leaders remember that they are here by and for the citizens. Those citizens, for the most part, live in the tradition and their idea of a chief harps back to the past: the chief is a cultural, religious and physical entity: he is like a rubbish dump on which refuse piles up, or like a tree on the roadside whose leaves get plucked by everyone. These images imply that the leader must be at the service of others in their diversity. Availability, open-mindedness, receptivity, that is what the people expect from its leaders on whom they will model their own behaviour. "Every guinea-fowl watches the back of the one ahead". Each people model their behaviour on those of their leaders. The values and beliefs inherited from our ancestors must be integrated by our leaders if they want to be in step with their people.

The model drawn from age-groups where the leader was chosen by his equals on the basis of his personal aptitudes and qualities must inspire us in setting up a true democracy, democracy being understood as a representative system, a pacific mode of selection of leaders. It can in no way be defined as power to all, for a power that belongs to everybody belongs to nobody and that leads to anarchy. We must appropriate legitimisation systems drawn from our past and adapt them to the necessities of today's world. For want of doing so since our countries' independence, Africa has become a battlefield, a byword for political instability where those in power do not want things to change even though, contrary to their original mission, they do not take into account the majority's wishes.

Civil society must, without getting embroiled in party-political battles, form a pressure group pushing political parties that seek broad support towards farsighted positions.

Questions and debates

Probing lecture by Emmanuel Messahn Ahlinvi and Hamidou Magassa with contributions from the floor.

Questions from Emmanuel Messahn Ahlinvi and debates.

All the speakers unanimously supported the idea that Africa, before the arrival of Muslims and European Christian foreigners, possessed a solid, structured political organisation in which the power of the chief was recognised both in the empires and the kingdoms. The transmission of power took place according to precise rules, the monarchy being then the most widespread form of political organisation. Having outlined a socio-genesis of power and of the state through the history of the Malian people, Ms Bintou Sanankoua linked the question of governance to that of legitimacy and legality. Everybody's participation in the choice of leaders along a few legal dispositions set in the current Malian political system, raises for her the problem of universal suffrage giving or not legality and legitimacy. It is on this point that she questions the nature of legitimacy in Mali. For, in Mali, a quarter of the population participates in elections or at least has the political competence necessary to do so.

Mr. N. Idriss Mariko brings up the same problem, strongly supporting the idea that in Africa, and in Mali in particular, a structured political organisation existed before the arrival of the colonisers. In doing so, he shrewdly picked out some ambiguous aspects of Malian political tradition, but also castigated certain patterns introduced by European modernity at the time of colonisation, which inhibit the development of the African continent. Mr. Agbobli also addressed the same preoccupations as the first speakers, affirming with force that, in Africa, there was political organisation in the empires and kingdoms in existence long before the arrival of the colonisers.

I thank the various speakers for the richness and pertinence of their remarks, and I would like to ask them a few questions. However, before coming to these questions, I would like to express my regret at the fact that you did not seek to define the concepts of tradition, modernity and governance because all our thoughts concern these three concepts. The definition, the clarification of these concepts would have permitted a better approach of the question specifically through an epistemological and methodological approach that would have helped better to understand the

core issue of this conference: an attempt at a synthesis between tradition and modernity in order to arrive at a genuine practice of governance in an ailing continent.

When we speak about tradition, which tradition are we referring to? To that which is frozen for all time, or to that which is in movement? And to which reality does modernity, correspond? Is it limited only to western, technological modernity? Has Africa not known its own modernity? In which period does modernity find an expression? Precision is also needed concerning the concept of governance. It is necessary to do a socio-genesis of this concept, or the different discourses which accompany it, to understand that it is a loaded term and that it overlaps many disciplines such as economics, political science, environmental science, information technology, communications, business, public finance, etc.

Jean-Pierre Olivier de Sardan: *"I am not comfortable with the opposition between tradition and modernity. We need to break this western habit of saying that everything that doesn't correspond to the occidental modernity comes therefore from 'tradition'. There is such a thing as a specifically african modernity. possession cults are different from ancient religions; the genies are not the same. Islam has changed, traditional practices do not heal at all like they used to in the past. We must stop dismissing that which is different from the West as tradition frozen in the past."*

Ali Cissé: *"Is not the opposition rather in the fact that actual countries are still living their traditions, whereas the elites are using the gloss of modernity?"*

(Following the intervention of E.M. Ahlinvi): Above all, it is important to avoid having an angelic vision of Africa and seeing occidental modernity as the cause of all our problems. The question here is rather to take what is good from our traditions, or more exactly to make modernity not only what we borrow from the West, but all the positive aspects of our own traditions.

I would like to address a question to Ms Sanankoua, which can also be addressed to Mr. Mariko. It is related to the question of universal suffrage in the context of widespread illiteracy both in Mali and in Africa generally. the system seems to pose a problem beyond the critical issue of illiteracy, for democracy as a whole, concerning the virtues and ideals of what can be described as majoritarian democracy. We should remind ourselves that at the beginning of the 1980s, Philippe Braud published a book with the provoking title: "Universal suffrage against democracy". But this is not a problem specific to Mali or Africa. And yet, you tell us that we cannot reject democracy and that we need to keep up with the times. I would like to ask you, is this because of snobbism or necessity? Would it not be better to call upon our elites and our researchers to invent a political sys-

tem inspired by our traditions and which keeps us in modernity? In this framework, could we not think of another form of political organisation, more original, such as an enlightened monarchy or a prince, more adapted to our reality?

Bintou Sanankoua: *"Universal suffrage did not arrive in Western societies from one day to the next. There were first regimes of divine right, then society evolved, first with a voting system based on the poll tax, then with universal suffrage. However, we have adopted this system without having passed through all the necessary steps. Today, we can no longer do without elections. And yet the system is warped, due to the father to son systems in Togo and even in Guinea. It is the responsibility of these elites to find solutions".*

S. M. le Ouidi Naaba: *"I have absolutely no academic pretensions. I have been in the traditional circuit for 40 years. The accession to power today works according to the principle: 'we do not master ourselves'. According to the Mossi people, the accession to power is transmitted from father to son (Salic Law). Whether we want it or not, all power is mystical. The concept of authority can have many definitions. But here, the legitimacy of nomination conditions the legality of the exercise of power. If there is a failure, there are many possible exits: we tell the chief/leader that he has 'finished his mandate'. Could we not study the extent to which the aura of sacredness could be re-established? We are more or less believers. We know that no man can run the world by his own power".*

Achaire Deoulengar: *"I am a practitioner of development. A farmer once said to me: you work with the visible, but you forget that the power of the visible is in the invisible. However, the invisible aspect is hardly taken into account".*

Assane M'Baye: *"We must take the principle of reality into account. Historically it is true, the choice of leaders was done by other means than universal suffrage. The question is: how do we make sure that the modalities of choice do take into account current realities? Modernity is not a response but a new way in which to ask questions. We need to reconcile the role of political parties as the main centres of expression with the exercise of citizenship, and with 'civil society'. How can political parties represent these realities?"*

Abdoulaye Sidibé: *"The example of peasant organisations is revealing in terms of legitimacy. Before colonisation, organisations that were purely traditional, based on the choice of leaders by consensus. The 'village associations' have been, in some way, imported. They were very hierarchically structured, with a president and vice-presidents. The previous organisations were much less well structured. And yet today we see a decline of these for-*

mal organisations whilst the organisations that are less structured survive thanks to their legitimacy.

Ousmane Sy: *“That question of legitimacy is very central. The two crises that are most familiar to us: the weakness of leadership and the development crisis are two questions related to mobilisation. As long as the populations do not get moving, we are not going to get anywhere. The issue is therefore to measure to what extent universal suffrage gives legitimacy to our leaders. If not, what can we do? All electoral systems do is ensure that legality is accepted”.*

(E.M. Ahlinvi concludes his intervention): I would like to ask Mr. Agbobli the following question: if he doesn't believe in either tradition or modernity, and even less in governance and if he confirms that what matters is to domesticate the machine, to industrialise, to construct a strong state and above all to train decision-makers and leaders for many years, how are they going to go about it? I think that above all they should not expect everything to come from outside, but rather create favourable conditions for the young generation of elites and intellectuals. In fact, these people are often neglected, finding themselves in difficult living conditions, which means that they often leave their country or fail to return to their country of origin at the end of their studies.

Atsutsé Agbobli: *“What I propose is: the mastering of the machine, moral reform, a methodology of action, real leadership (there is not one real leader today). The president of the Republic should be the president of everyone: the dead, the mad, the beggars”.*

Probing by Hamidou Magassa and debates

I thank God for having allowed us to meet in Bamako to debate these vital subjects. I work a lot on the institutional analysis of development, and there are two concepts with which I am not happy. Firstly, the concept of governance. This concept, which comes directly from the United States (I worked on the concept of self-governance) is today a “catch-all” notion which has been over-mediatised. But it's a dangerous and superficial word. If governance is what we have imposed on ourselves until now, then, no thank you. Moreover, the word “revolution” used by Bintou does not seem to me to be pertinent when used to describe the recent history of Mali. There were some important insurrectionary movements, but one cannot really speak of a “revolution”. Furthermore, I am very interested by the question of legitimacy, legality, and the way in which one can construct the links between legality and legitimacy. I would like to propose four angles and three precise questions for my analysis of governance in Africa.

Firstly, one could consider a very rich model of social integration that was hardly mentioned in the debates: that of age groups: Malians get a lot of their social bearings from this frame of reference. It is a mechanism for reproducing power and caste. The age groups foster an elite's reproduction logic to develop in much the same way as in Western countries. This last point is fundamental in understanding the African integration models as well as those in all Sahelian Africa.

We can also mention the fundamental role of the tradition of the cult of the chief. Islam has been a very strong revolutionary force for many centuries and all the regimes in place still process its forms of power. These polygamous societies, are as a result very competitive; we need to examine the places where identity is shaped.

Moussa Keita: *“In mandingue society, in order to be chief, you have to fulfil three conditions: firstly, you need to be intrepid, to fear nothing on the battlefield. A good soldier, a good hunter. Next, you need to have the best rationality, a deep spirit, to analyse and master rhetoric. Finally, you need to be in harmony with the spirit of the ancestors, to confide in their soul (we believe that death does not interrupt the existence of men). People who fulfil these three conditions can be admitted as “n'gana” and be chief.*

(Hamidou Magassa resumes): Another element to be considered when reflecting on African modernisation processes: the mandingue linguistic reference to the spiritual and corporal unity represented by the leader/led pair: nyémogo/kômogo (eye of man/back of man). It is necessary to analyse transversally the link between traditional institutional resources and modern forms of power, while still taking on board our “Gallic” inheritance.

Finally, one must renegotiate the cultural identity of the “gouvernance/governance” concept, which is of anglo-saxon origin, and which corresponds directly to the mandingue “mara” embracing “to administer, to manage, to keep, to educate, to conserve, to reign, to govern, to dominate etc”. As long as we refuse to accept who we are, that is to accept the diversity of african languages, the words will be nothing more than empty shells, most notably the word governance.

Raufu Mustapha: *“Following Bintou's speech, the real question, at the time of independence, was to work out what within the traditional structures was usable. It is not a matter of romanticising the past. Power was sometimes taken by force, there were caste systems...”*

Fatou Kiné Camara: *“I would also like to highlight the importance of languages. Development is not possible as long as we are not using our own languages to teach in (we need to translate political and economic concepts into local languages)”.*

Richard Toé: *“Industrialisation itself is a technical concept the Malians had not mastered, which becomes a major problem when getting factories to work. Turn key factories don’t work: we need to transfer technological concepts so that they can be shared by those who must put them to use. And in order to do this, national languages must be the obligatory way forward”.*

Mahmoud Karamoko Bamba: *“If we want to help ourselves develop, we must translate technology into our language. A free man is capable of giving names to things”.*

Ntji Idriss Mariko: *“The situation is worrying because new notions that have been brought in from outside have not been assimilated by the people. It is true that elections are unavoidable, but they must be about what we want them to be about. In reality, nobody wants us to practice “good governance”, including those who want to impose it upon us, because it will have repercussions against them. We need to establish a link between those who think and those who do. On the subject of domination, I prefer to be dominated by the French than by the Chinese. The Chinese behave very badly in Mali”.*

(Hamidou Magassa pursues): And so, I have three questions to ask the lecturers: firstly, what place do we give the traditional social capital dimension in modernity as a lever for change? despite the quality of the decentralization that created 703 local districts, Mali’s 13,000 villages have no more than a walk on part. Is this a question of legitimacy/legality?

Secondly, which education, which school and which language would ensure that we do not lose our souls, as is currently the case? In what way can the experience in emergent Asian countries help us with this?

And finally, what place does God have in the question about human and animal rights? In order for us to move beyond the precept written on the american dollar “In God we trust”...

Larbi Bouguerra: *“Bintou said that Islam made succession become matrilineal. I would like to understand why? Is it inherent to Islam or to African traditions? There were female sultans in both Egypt and Indonesia. In Bangladesh and Pakistan there have been female Prime Ministers. My second question is power for life, it’s the same thing in Syria, Libya and Tunisia! Are these characteristics really specific to Africa?”*

Fatou Kiné Camara: *“I would like to come back to the issue of the importance of the mother in West African societies, in the sense that it’s the sister who passes on power, and so the family line is passed on by the mother: ‘one is once that which is his father, and twice that which is his mother’. This is why succession takes place by the sister of the Chief. This element of understanding in the traditional transmission of power is fundamental in our societies.”*

S.M. le Ouidi Naaba: *“In the Mossi socio-political system, devolution of power is dynastic, and therefore based on a masculine patrilineal succession: from father to son, or brother to brother: a type of ‘salic law’ defines the legitimacy of accession to power and therefore the legality of exercising it: there is always an electoral college which rules on sovereignty and responsibility because the handing over of the “regalia” to the elected follows highly significant secret rites which the whole community feels concerned with and a part of. Authority is therefore legitimate. In order for the ‘modern ideal of universal democracy’ to be both legitimate and legal, it is necessary to re-think African “power”- what the Mossis call “Nam” – in terms of new concepts capable of integrating ancestral values about discipline and solidarity and the universal facts about the new world. Power, or the exercise of power, needs to keep its sacred aura, total and binding commitment through references to the most solid and shared beliefs of the society: ancestors manna’s, sacred books, Bible, Coran etc. In this way, our constitutions would be better respected and the private citizen, no longer feeling excluded, should be able to grow and to have equal opportunities within the city. This could help ensure that mentalities evolve, that citizens are formed from a young age and contribute to reducing recurring “electoral charades”.*

Synthesis

by Dominique Darbon

The question of choosing or selecting leaders has a very particular place in human societies, being all at once key to its constitution, power relations and regulatory mechanisms. The question displays that fundamental particularity of addressing two separate but possibly complementary notions: That of legality – which means rules, techniques and the principles which technically define the modalities of selection – and that of legitimacy which over and above these legal rules determines the leader's capacity to impose himself socially as such, to make sure that his legal status is associated with acceptance by the people so that they obey, but above all that they accept and desire to do so because it corresponds to their beliefs about power.

To understand the position of leaders, one has to check it against both legality and legitimacy criteria. One has to analyse both the material techniques that accompany and organise the situation of domination (legal norms) and the other techniques which transform a simple relationship of force into a relationship of power, that is to say an acceptance by those 'dominated' of the state of domination, which guarantees obedience by consent and allegiance of the submitted to the ruler.

This question, which is constant in time and shared by different social entities, including of course african precolonial societies as well as the forms of power which are apparent there today, becomes considerably more complicated when we take into consideration societies which have massively imported the forms, principles and techniques of power which they had not historically reached at the moment of their introduction. These imports of power management techniques unaccompanied by the principles which found them have often produced a power order which remains either marginal or only makes up one of the available forms of power on a given territory or for a given group of people. African societies have for the most part, provided some particularly interesting examples. Each african state, or indeed each society, has, from this point of view, gone down different routes. Coexistence, competition and indeed confrontation between different power orders and therefore between different authorities founded upon rival principles of legitimacy and legality, follow different modalities and would end up with divergent choices. The South African, Zimbabwean, or Zambezian (Mozambique) experiences, characterised

by the quasi-destruction of chiefdoms and precolonial historical local powers, and the geographical displacement of populations on the one hand, and the continued imposition of modes of regulation inherited from the colonial powers leading to considerable domination of the imported-appropriated political order on the other, makes the principle of a pluralist democratic order "non debatable" today even if sometimes we get surprising consequences in terms of implementation. Ghana is known for the very high level of western education its elites received during colonisation, and the way the dominant families of the subservient and deviant precolonial order took over the schools. it experienced the struggle opposing the "modern and common" elites to a chieftainship soon to be dismantled for having collaborated actively with the colonisers and arrived at a different relationship between various competing political orders, which was more favourable to the modern order. In other configurations, the situation is much more moot, notably in the francophone world?¹² In a number of these states, the weak colonial presence, the absence of valorisation of education, non-bureaucratic colonial practices of domination, led to the insertion of a more subtle form of western power on local politics undergoing multiple transformations (religious, "traditional"). This led to a multiplicity of political orders, positions of authority and many competing directions, which in the end ensured to a greater or lesser extent the dominance of the western political order. These situations obviously provide the best illustrations of the "fragile state".

In these associations-rivalries different orders of legality and legitimacy criss-cross; since colonisation, they are for ever instrumentalising and adjusting to each other. The western legal order is challenged from the inside by other orders (religious, administrations and traditional chiefs) and in this matter the dichotomy between tradition and modernity does not really hold. The different orders of power, and the leaders who govern them, are forever transforming themselves in order to permanently produce "modernity" by recasting the tradition and to bring "traditions" into the so-called modern order. We have configurations of power from different historical origins but which are continuously reinvented and recast to fit in with the leaders' strategies, whether we have a "modern" elected ruler constantly described in terms borrowed from tradition (father, king, elder) or a traditional figure continually adopting the trappings of modernity (telephones, cars, brief-case, clothes) and taking up either directly or through his "subjects" modern functions (political parties, parliament, committees, associations.). The question of the choice of leaders in a number of these African States opens up a series of major questions:

(12) This could seem paradoxical even though the colonial French administration was meant to be an administration based on assimilation. In fact, the administration bypassed weakened chiefs who only rarely used the colonial system to gain access to better opportunities for their children.

- The question of its legitimacy compared with other authorities and powers;
- The question of their reinterpretations and mutual entanglements via daily practical adjustments and bending of the founding principles and rules of management that lead to bad governance and the non-predictable nature of action;
- The perhaps even more fundamental question of the possibility to associate these different orders of powers and leaders in power systems that can guarantee a better acceptance of “modern” power, a better capacity and efficiency of its decisions gaining recognition for its legitimacy via “other” powers. This takes us to a logic of appropriation and ownership which no longer comes from legitimising discourses but from the capitalisation on practical reasons, and in the framework of principles fundamental to democratic order towards modern governance, no longer to be “suspended” but henceforth accepted and founded on what it has lacked until now, that is a historical production by the society itself.

Some terminological precisions

The choice of who will govern cannot simply be reduced to election time. Election time is a specific rite which stabilises institutions and ensures that the legitimacy of one moment (popularity at the time of voting) coincides with the legality of a period in time (elected for x amount of years). As such, the legitimacy of the holder of power is a daily plebiscite, which manifests itself most notably in the production of public policies. Four major elements that we find in certain forms of precolonial leader selection therefore structure the choice of leaders:

- The notion of *faith*, of trust and shared reference frame (that which is done and not done; that which must be and that which must not; that which, although opposed to a position, is tolerable, and even, all considered, desirable) which allows those who are “competent” to be subjected to the “incompetent” and the “incompetent” to the “competent”.
- The delegation of power;
- The notion of participation, which organises that ambiguous relationship;
- The notion of imputability (responsibility and accountability) which sanctions the action of those who at a given moment, as professional actors of political action, wanted to take charge of a collective enterprise (I am deliberately playing on the word enterprise in its weberian and managerial sense).

All the terms used here and especially the term governance and democracy are not only polysemic, but also change over time. We use them

here as analytical concepts and not according to normative or prescriptive registers. And what goes for democracy¹³ also goes for governance. Setting the debate about choosing leaders in reference to democracy links it, whether we like it or not, to the concept of democracy. For that is what democracy is about, giving great importance to the selection procedures and the validation of the process for choosing leaders. In the context of governance, the rejection of the democratic reference taken in the procedural and not the normative or prescriptive sense is therefore impossible.

This link between governance and the choice of leaders forces us to go beyond a simple reflection in terms of techniques, tools or formulae or instruments of management in order to adopt a perspective which takes processes and mechanisms of regulations into account, that is to say a reflection on the permanent association between legitimacy and legality. We are therefore interested less in precise techniques – even if these are indeed essential – than in all the processes of regulation, that is to say daily negotiation, which establishes itself between those who govern and those who are governed. At that point, those who are interested in these questions in Africa cannot but be troubled, and the three texts proposed here are good expressions of this sentiment: the claim to instate good governance does not seem self-evident, it has not proved hugely attractive to the population who seem more attached to other forms of social regulation and unequal to the handling of the modes of management and choices proposed.

Reduced to its managerial conception, governance is nothing more than the latest version of these exported models strewn on the path to development. The study of the trajectories of different societies and states shows that the conceptions and perceptions of good governance, the shape this better-living takes and the modalities of its management, vary considerably depending on the abilities, competence and practical standards, or practical reasons of the actors. What changes between each experience – and what changes everything – is the meaning people find behind these expressions, the representations that are made of these objectives, and the means necessary to attain them, etc. These are indeed the origins of the idea of democratic governance and the affirmation of the principle of appropriation, empowerment, etc.

It is necessary therefore to take governance seriously, which means taking it for what it is, the practice of public action which guarantees the participation of people with divergent interests, the good social management of public goods and a certain stability within the global social contract which unites different human groups into a particular political grouping. Governance means taking into account the various modes of social regulation as they exist on the “daily”, or “concrete” level, between

(13) Democracy here is not taken as a philosophical concept, but rather in its procedural definition as a method of organising the competition for access to power in a pacific way through the conquest of the voters' support.

interest groups and orders of competing powers combining effectiveness with efficient management, participation and control by the citizens led by “accountable” professionals, conveying a sense of predictability organised by the law and approved by the citizens and the relevant structures. It assumes the existence of a framework of predictable rules freely accepted by everyone, at the instigation of legally chosen representatives, acting according to the law, using all the necessary means to attract and conserve the allegiance of the governed (in other words, the legitimacy of their position as leaders).

In short, governance in a context of legal, moral and normative pluralism which characterises many african societies, assumes the possibility of combining extremely complex elements whose regulation can only be the product of games, tactics, strategies of actors intervening in positions that change across space and time, in order to uphold their respective arguments, positions and power, which requires that opposition, agreement to minimal rules of the game, and the shared belief that everyone will respect those minimal rules come into play. And yet, the matter is far from certain in many african countries, since the dominant political and legal order is based on principles that are imported and do not have the adherence of the majority of the population; it finds itself out of step with the principles and rules which guarantee the obedience of those ‘ruled’ and is therefore obliged to organise a parallel informal order, the kingdom of the unforeseeable, the illegal, of secret dealings and the odd sleight of hand. Governance is therefore, above all, a perspective, an approach and not a specific sector of intervention. It is a ‘sensitivity’ that seeks to encourage the construction of social regulatory mechanisms through continuous negotiation in the framework of a law that allows the working order to be as efficient as it is effective.

The different domains (constitutional structures, political, administrative, social organisations, public policy, organisation of civil society) that are integrated by governance clearly show that first and foremost it aims to lay the foundations for systematic and balanced relationships between all the partners of the social pact, at all the relevant territorial and sectorial levels. It assumes the existence of pacts (social pacts, trusts, global systems of reference..) and, by definition, the appropriation, by different actors, of the proposed techniques and spaces for negotiation open to them. Governance is when we integrate classical concepts of the state apparatus essentially seen and analysed in constitutional and legal terms with a managerial, administrative and sociological emphasis, no longer treating the state as it should be, but the state as it functions, as a process which constructs itself around actions that the actors thereby produce. Governance in a more analytical perspective, allows us to go beyond the simple analysis of classical institutions, different forms of democracy, power and its instruments, in order to focus more on mechanisms of social coordination that permit political action to take place.

The spirit of the rules is the basic control; the rule should only act as a reminder, a safeguard, an action regulator. We see the complexity of the

notion, most notably when actually appointing leaders. We see that the objective is one of the most ambitious, especially – as the three texts showed – in african societies marked by weak institutionalisation, deviant practice, reduced means and limited institutional competence.

What texts and authors tell us about ways of selecting leaders

Two major themes: the ways of selecting leaders in precolonial local societies (said wrongly to be “traditional”) have taken form in a variety of ways, but always linked to the society in which they have arisen; the forms available as a result of the warped transfer of the ways leaders were chosen by the colonial powers since the end of colonisation are struggling to arrive at a definite and broadly understood definition, which makes them difficult to interpret. They are the object of deviant practices as much on the part of the governed as of those who aspire to the position of leader.

Common characteristics in selecting leaders

In all societies, ancient and contemporary, the choosing of leaders obeys different rules, usually well recorded. The proposed texts offer us different examples: selection according to age, merit, charisma, strength, heredity, direct or indirect vertically (Sokoto), horizontal or collateral (Zulu brothers, pre-islamic sahelian empires) or revolving (Great Lakes kingdoms), initiation in specific knowledge (especially religious, Batu Mawdo and the small council in the peul empire of Dina mentioned by B. Sanankoua and N.I. Mariko), election by an inner circle (family chiefs, elders, age groups, military groups such as Soundjata or Soony Ali Ber of the Songhay as N.I. Mariko mentioned), or through nomination by an external authority (coloniser, conqueror). As N.I. Mariko reminds us, the Mansa people associate the fact of being a great hunter, with a supposed closeness to the divine.

In every society, these procedures and techniques are based on a whole system of references, beliefs and shared representations which are called upon to make sure that the power structure in place enjoys the allegiance of the dominated who are not only subjected to the domination, but consent to and desire it (see the text by B. Sanankoua). In short, the choice of leaders cannot be reduced to a technical procedure but constitutes a social action which has meaning just as much for the nominated, as for those who accept the domination and guarantees *a priori* the obedience of the ‘dominated’ to those who lay claim to domination, and ensures that the leader conforms to social and political rules which he cannot infringe without risking to undermine the authority of power. We see here that there is an essential difference in terms of social dynamics between submission to a power leading to passivity and an absence of support for the established order, and the acceptance of power signifying a dynamic wil-

lingness to pledge allegiance to a leader seen as a chance for the led as well. The power of leaders cannot be measured by their ability to compel, but their ability to mobilise, or better, encourage those who are led to mobilise in order to protect their power. As N.I. Mariko indicated very strongly, the forms of accession to power by force or heredity without the consent of the governed “...ensure that these states stay weak and without the power to resist when faced with internal shocks or strife, or indeed with attacks from the outside”.

In every society, these mechanisms of selection aim to bring stability and security to the group that sets them up. Those who can be identified as having power are not only there to exert their domination; due to the same specific qualities that have allowed them to gain power, they are meant to bring peace and prosperity to groups and individuals who chose them. This peace and security extends itself to other human groups and also to the forces of nature. All the texts remind us of the famous formula used at the time of Apartheid in South Rhodesia by peasant farmers from whom the chiefs demanded homage “Where is the land?” The choice of leaders is therefore always accompanied by the expression of legitimising formulae the leader is said to embody and guarantee.

In all societies the choice of leaders leads to an organised form of differentiation. This mainly translates into the repartition of the functions of power, wherein hierarchical relationships are established, which must also find forms of collaboration between themselves (chief of the land, of rain, of war, political leader, speaker...). This then translates into the emergence of political professionals acquainted with the secrets of power, who frame the choices to be made. The selection of leaders, no matter the form that it takes and the techniques that are chosen, confirms that power is an important object that not everyone is able to access, and the opening-up of access to power must therefore be organised by specialists and not by the man in the street (pre-selection of candidates for example...).

In human societies, the choice of leaders does not mean that a blank cheque should be given to those who hold positions of power. Power constructs itself around a unique set of founding norms which can be applied as much to the governed as to those who govern, because these rules are conceived as superior to those in positions of power and therefore he who governs is at the mercy of those he governs if he breaks these rules¹⁴.

A set of organs, mechanisms (rites, etiquettes, InCwala ceremonies in Swaziland), rules of law, structures (councils, assemblies, the Damel of

Kayor, the Liqoqo in Swaziland, Batu Mawdo In the Peul empire of Massina...) organise forms of power control, through curbs that may transform power into a burden. All these procedures and structures aim to validate the insightfulness of the leaders or to limit in every way potential excesses by well known formulae: withdrawal, execution, deposition, flight. Thus the choice of leaders cannot be confined to a particular moment (nomination selection or election) but is reiterated every day.

In all societies, the rules that direct the choice of leaders, tend to be presented as ideal and legitimate. There is no reason to be more enthusiastic about ancient selection rules than the current ones grouped around the principle of electoral representative democracy. All the phrasing of principles which govern the choice of leaders are deceptive and hide behind imposing legitimising verbiage formulas which seek to immunize power against the questioning of its authority, and the inequalities it produces. The principles set down are the object of follow up negotiations and manipulation. Power is the object of conflict and disputes between individuals, of rivalries and strategies through which political entrepreneurs attempt to seize available opportunities to turn events into resource. In ‘traditional’ Africa, or in all societies in precolonial Europe, these power games, and manipulations, or what Atsutsé Agbobli calls “brazen combinations” never ceased. This is how it was for the Mtetwa of Chaka, or more recently for the royal succession in Swaziland, not to mention the grotesque situations of Letsie III in Lesotho. This is also how it was at the death of Sekou Amadou, recalls Sanankoua. “That is to say that often people disregarded forms of succession to seize power even though they had no right to do so”, writes Mariko before giving many examples taken from the history of Mali, Songhai and Segou. External influence has made itself felt continuously (the deposition of the Sultan of Morocco, the RSA affair, the exile of the Cheikh...).

Doubts concerning the relevance of forms and techniques used when choosing leaders in Africa today

In their papers, the three authors continuously ask the question concerning the relevance of forms and techniques used for choosing leaders that were put in place following colonisation. This raises many questions concerning the techniques and principles on which they are based (majority, punctual elections, differentiation of programs, conflicts between leaders, and agreements post-competition), which are not understood by the population in general, make no sense and give rise to deviant practices. Among which the selling of votes, the specific nature of political parties, the formation of post-electoral alliances, etc. These questions are legitimate and underline several important elements:

► On the one hand that the techniques and methods imported presuppose not only a technical appropriation but also an intellectual one, and that, if the technique is transferred but the entire background of meaning and history of its production is not, this will have transformative

⁽¹⁴⁾ We have here one of the major characteristics of the “modern” power of a number of African states. The leaders have access to several sets of rules for legitimising power that they use creatively in order to escape the rules and the control of those they govern, sometimes asserting themselves as being part of the modernising mission entrusted upon them by the international community “against a barbarian, uneducated people” and sometimes as the expression of the sovereignty and will of the people “against the insensitive, imperialist and neo-colonial IFIs”.

effects. The ballot box, the secret vote, the concept of majority voting, the constitution of opposing groups to construct a world we can share...are elements which assume the production of complex and long-standing social meaning, of learning which alone give meaning to these innovations and which certainly are not self evident. In what sense can the ballot guarantee the blessing of our ancestors or of the spirits?

► On the other hand, the hijacking of these techniques and methods, their appropriation by the people, their deviances, far from just endorsing the failure of these methods indicate, on the contrary that there is a learning process. There would be failure if there was ignorance, or the pure and simple non-utilisation of these techniques, rules...by the citizens. And yet, we see the opposite, an over-utilisation, deviant perhaps but an appropriation nonetheless. There was a failure in identical reproduction – which was sociologically impossible – but success in appropriation – which must be managed and which raises major difficulties. So that the questions raised by the authors, far from being admissions of failure, are acknowledgements of a sociological success! To sell one's vote for money or for goods, is an aberration as far as the imported model of election is concerned. It is also the seller beginning to grasp that his vote "counts" in the sense of "having a value", a supreme and founding novelty when compared with the period when it had no value whatsoever. That value still needs positioning, but the principle is there. Governance can only impose itself as an experience appropriated by the people as a system of management which benefits them. That takes time and assumes, notably, a form of appropriation which is first and foremost at the local level (hence the importance of decentralisation) and at a sectorial level through the mobilisation of people to act, to defend their interests sectorially (hence the interest of participating in the reinforcement of civil society but without undermining the State). Individuals learn to figure out democratic power in governance, to interpret its potential, its limits and to develop tactics and strategies. It is down to the leaders who possess the necessary competencies to interpret the techniques for choosing "modern" leaders, to help orient the reappropriation by the people towards their proper aim rather than contributing to their perversion.

► Finally, that situation assumes that we consider local innovations, outside the North's accepted practices, as potentially founding innovations towards institutionalisation. A form of electoral competition that does not exclude, at a given time, the formation of alliances in the government is liable to be both a form of "economic" management of power in a situation of shortage, and the experience of consensual management (general agreement on the directions). It can only be criticised if that association is, or becomes, a way to get around the rules. Everything is up for grab today. There is a wealth of technology, and methods that allow us to play on the multitude of possibilities. Why are we only thinking about universal suffrage? What about forms of voting based on the poll tax, or plural voting

(based on the level of education, social status, the level of income, political responsibility)? What about the diversification of assemblies, which can guarantee the representation of chiefs, of religious figures, of the disenfranchised (women...) either separately, together, or through sharing the seats? What about a system of repartition of competencies for intervention at a local or sectorial level? To sum up, it is possible to organise informal interactions, to institutionalise them as soon as the actors of public action negotiate them.

So called traditional forms (local powers) and the choice of leaders in the governance of African states in the 21st century: why this renewed interest?

What is the purpose of evoking forms of leader selection from the past in order to debate the choice of leaders from the angle of governance in the 21st century? These forms and processes only have a limited legitimacy, they are not transferable such as they are to the level of the National government, short of revolutionising the world order and are themselves only distorted and transformed expressions of past practices. So what is the point of bringing them up?

Firstly, evoking these home grown forms and processes of power cannot be dissociated from market behaviour, development and the internal political of African states. It plays a part in political strategies which, remote though they be, all make that reference necessary in the debates on governance.

► Re-launching interest in traditional forms of governance is, for the donors and most importantly for those who are the most historically engaged in the production of the "governance" reference namely the World Bank, firstly a way of re-branding a notion which has been overused in Africa and has produced the opposite effects to those expected in most countries. Re-launching traditional authorities is an attempt at getting hold of stable, trustworthy and predictable partners, who are able to deal with risk and insecurity, at least partially.

► For different types of local African actors, it is a chance to profit from a window of opportunity opened by the convergence of situations which allow for setting forth resources which, up until now, have been undervalued. It is the case for leaders who have had traditional or religious roles to play and who, because they are able to manage the link between the modern world (through associations, responsible positions in the modern world, relationships...), tend to consolidate their negotiating advantage with the other political actors in the country, notably playing on an axis of legitimacy that only state leaders or leaders from the modern sector have hitherto controlled: the outside world.

► Finally, it is a way for professional politicians to attempt to open up new possibilities for harnessing support as much inside as outside and gaining access to new markets.

There is nothing reprehensible in these diverse strategies, which are nothing more than the classic game of actors in the logic of public action. What's more, this allows us to ponder the foundations of power and to note, as the three papers continuously do, that there will not be an institutional system or form of governance that works outside of the context in which it actually functions. Ownership, not as watchword or further evidence of international actors' capacity for wording, but as a result of daily practices, practical reason, is therefore erected as a fundamental principle through attempts at institutionalising what is. This means that the system for transferring the model of governance is but pure illusion. The institutional "one size fits all" can – just about – be accepted as far as technical transfer is concerned; it makes no sense as a process for social regulation, as actors confronted with new techniques and notions are not able to make any social sense of them (what does voting really mean? What is a ballot worth if not goods?). They need educating. The actors of a same group produce their own systems of social and political regulation by using the available resources and by investing them with the social meaning that they gather from their own experience, from their own learning. This does not mean rejecting all technical transfer, or making do with what we have but quite simply realising that institutions are the product of forms of interaction by actors in each society.

It is equally useful to remind ourselves that these modes of regulation which come from non-state institutions, are part of the learning resource available in each social group and can, in this respect, be used to give meaning to these new forms of regulation as long as they are associated to it. The experiences in Mali, but also in South Africa, Botswana or Cameroon are particularly interesting here. Confronted with the generally low level of citizens' education and especially their grasp of Western organisation models, African states have everything to gain from officialising the forms of ownership of modern forms evolved by the dominated.

Besides, the absence or quasi absence in most African states, and particularly the weak states, of the capacity to produce modes of regulation that are legitimate and legitimised by donors, reinforces the value of these past experiences. Why not draw from the supply of techniques and past social meanings to innovate, when the machine for producing institutional engineering in francophone Africa is seriously jammed? Mali, with its never-ending modern parleys, its exercises in what we can today call participative democracy, seems like a good example.

Finally, this allows us to note, along with the three contributions, the great diversity of forms, over space and time, within what passes today for national space, and to observe that for the most part, African states are characterised by a moral, normative and legal pluralism. This means that there are many parallel political orders but above all that the "modern" political order has not really managed to impose itself as hierarchically superior to other forms, and that actors have continued, no matter what

their social status, to shift between these orders, to use them alternatively according to their needs and to combine them in line with the well known logic of "forum shopping". These levels are used together, in parallel, in competition, in concomitance, by the actors who can simultaneously hold their various status either personally or in a cluster via kith and kin due to relatives and supporters (elected, member of a royal family, international expert...). This situation advocates the refusal of single, all-embracing solutions, the local differentiation of modes of regulation, the ownership and systematic management of modalities of ownership in progress rather than the out and out rejection of appropriation that can only mask the impossibility of acting and often the readiness to go from appropriation to deviance. The rigid quest for the respect of formal rules little understood by the "governed" is nothing more than the best guarantee for injustice and corruption whilst the development of adjustments affirms the investment of individuals in the rules that they appropriate progressively. Time is not for allowing the belief that the formal model is the only one and that it "governs" but for taking an interest in public action and in the State as it functions, and to institutionalise these practices by adjustments in the framework of more general norms of state order.

The management of public goods

A concept much bandied around the international community, the notion of public goods, today constitutes an essential element of the new “partnership” logic advocated by the model of “good governance”.

By insisting on this notion, international partners often seem to infer that Africans do not, or no longer have, a sense of what public goods mean. And yet, this constitutes a fundamental element of the African political tradition, and this heritage must be recognised and understood. To understand it, the conference looked into the different levels of management of public goods and into the partnership between different types of actors in that collective management. The debate essentially revolves around natural resources and more particularly around the management of water and land.

Case study for the Muslim states of Mali

By Imam El Hadj Mahmoud Dicko

I. Introduction

It is not easy to define 'Governance'. One can get an idea of it by evaluating the effectiveness of public services and by measuring the productivity of the Administration according to certain indicators that the National Agency for Statistics and Information Technology put together following a survey carried out in 2001 on governance, democracy and the multiple dimension of poverty. Among these indicators, there is the degree of satisfaction of users that provides an indirect measurement of the performance of the Administration, corruption, politicisation, absenteeism, incompetence, unsuitability of regulation and a better allocation of national resources.

The improvement of these indicators gives a favourable reading of the quality of governance and democracy in a country in space and time.

II. Governance and democracy according to Islam

2.1 The elements of Governance and democracy

By essence, Islam is a religion of the middle ground that fights abuses of all forms, that lauds justice and fairness and encourages hard work, solidarity, peace and the love of one another. It can therefore be said that the elements of good governance and democracy are conform to the prescriptions of the holy Koran and the Hadith to the extent that they aim to improve the well being and the dignity of Man.

2.2 The Mali Empire

Even if the Mali Empire is not recognized in our country's history as being an Islamic empire, it is important to admit that some of its leaders did a lot for Islam and left permanent traces of "good governance".

2.2.1 Soundiata Kéïta (1230-1255)

The most important and best known sovereign of the empire was most certainly Soundiata Kéïta. He organized the empire and governed it in a much more democratic way than in the past by bringing many socio-professional classes into the management of society.

After his victory over Soumangourou Kanté, Soundiata sealed the advent of a new Mandé by declaring that the management of the affairs of the country would no longer be the business of one family, but rather that of the whole Mandé. Thus he demanded: the creation of a General Assembly composed of warlords and the descendants of those that had fought Soumangourou Kanté; the distribution of prisoners, the trial of those that had not participated in the fighting, the creation of an elite corps in charge of guarding the country; the announcement of his power throughout the world; a reinforcement of the army; the submission of the Sosso; the unification of the Mandé imposed on all; the intensification of gold extraction and finally the declaration of an oath: that they were all prepared to die. All this required a union to which Soundiata called one and all.

The Assembly made other important decisions such as the dispatch of messengers to all the moral, religious and clannish authorities of the country to ask them to join the cause of the party. All of the Mandé (both of the Mandé family and of Mandé lineage) were summoned to Dakadialan to perform an act of allegiance and submission to Soundiata. Messages were also sent to the Traore 'sacred kings' in the provinces of Samanadougou, Dandougou, Kaminiadougou and Chiendougou for them to give their blessing to the Mandé and its leader. The same message was sent to malinkés of the exterior. A military garrison or 'Kelé Massa Dougou' was created as well as a corps of political observers and country supervisors to avoid abuse of power, injustice and to dissuade potential troublemakers.

Soundiata went on a pilgrimage to 'Kia Coulou' for two reasons. The first reason was that, since time immemorial, priests, kings, great dignitaries and war chiefs went to a spring called 'Mogoya Dja' (or 'wellspring of personality') to purify their lives and pray for the prosperity and the greatness of the Mandé. This spring is located on the mountain that overlooks Kita. The second reason was that the Tounkara, local leaders of the region that were also the allies of the Camara priests, the first inhabitants of the country, deserved respect and consideration given their role of chiefs and the fact that they were members of one of the oldest cults in the Mandé.

Throughout his pilgrimage to Kita Coulou, Soundiata was accompanied by the marabou Bougariba Cisse as well as notables and his *griot* Balla Fasseké Kouyaté. They had decided that each one could pray in his own language to his own god and his manes with the hope that their prayers for the good of the Mandé would be answered.

Soundiata did not want to choose a successor. He believed that this choice belonged to the people, notably the brotherhood of the hunters and

the main thirty-four families of the Mandé, rather than just the Massalé Kéïta. Another big contribution Soundiata made to good governance is the charter or constitution for the Mandé (or 'Kouroukan Fouga') that he drafted for the Mandé after the battle of Kirina in 1235/1236 at Kan Fouga, the present Circle of Kangaba. This charter is a beautiful example of democratic good governance and its content is available for those of you who would like to see it.

Let us remember that if certain traditionalists, such as the griot Wakanmissoko, say that Soundiata Keita stayed loyal to traditional religions up to his death, Ibn Batouta writes that he converted to Islam. According to him, he was in Mali when a certain Ibn Fakkous told him that his father had converted a Soundiata person to Islam who went by the name of Mari Diata, which is in fact another name for Soundiata Keita.

2.2.2 Kankou Moussa (1307-1332)

Kankou Moussa is certainly the Mandé monarch best known abroad. He replaced Aboubacar II, Soundiata's nephew who took power in 1303, and became famous for discovering America two hundred years before Christopher Columbus (who only discovered the coast of Central America between 1502 and 1504).

In 1324 in reparation for an involuntary crime, Kankou Moussa decided to fast for the rest of his life and to make the pilgrimage to Mecca accompanied by sixty thousand visitors carrying tons of gold in the form of bars and powder to the extent that the value of gold plummeted on the international market. Kankou Moussa bought lots of land, houses and gardens in Medina, at Mecca and in Egypt that he gave as *waqf* for the benefit of West African students and pilgrims.

He did the same thing for the 'Al Azhar' University, the second largest Arab University in the world built in the year 600 of the Hijra after the Zetoun University of Kairouan in Tunisia, built in the year 120 of the Hijra. The same donations were made toward the University of Jerusalem by Kankou Moussa. Today, these places are still there and the Muslim authorities can and should reclaim them for the good of the people of Mali.

Returning from Mecca in 1328, Kankou Moussa brought back with him many cultured men including the architect Abou Issac, called Es-she Li of Egypt. He stopped in Timbuktu to confirm Malian authority over the Niger Buckle and had this architect build the great mosque of Timbuktu called the 'Djinguarrey Ber Mosque' as well as a residence in Madougou.

Kankou Moussa marked the height of Malian civilization and brought fame to the country in the entire Arab world from Andalusia to Kharossan. His ambassadors visited and exchanged gifts with the sultans of Egypt and the Maghreb. Kankou Moussa did a lot to consolidate the islamisation of the Malian Empire, notably in Timbuktu. He founded Koranic schools and mosques and encouraged the social promotion of the *oulémas* and Islamic scholars. Thus Timbuktu became a centre for Islamic culture

where saints, scholars and leading figures of the Islamic culture from all over the Muslim world found refuge. The islamisation of Timbuktu grew stronger with time thanks to the importance and material support given to Islam by the sovereign Kankou Moussa as well as the soninké sovereign Askia Mohamed Sylla of Goumbou in the circle of Nara. It is thanks to the laudable efforts of Islamisation of these two leaders that Timbuktu became the 'mysterious city of 333 saints'.

2.2.3 The Songhaï Empire and Askia Mohamed (1493-1528)

Following the reign of Sonni Ali Ber between 1461 and 1492 (the founder of the Songhoï empire who freed his country from malinké dominance) and the reign of his son Bakary (that lasted less than a year), it was a lieutenant of the Tekrourien clan, a governor who, disgusted at Bakary's recantation of the Muslim faith, seized power under the name Askia Mohamed in 1493 with the help of the oulémas. Note that 'Askia' was the name Sonni Ali Ber gave to his maternal cousin whom he affectionately called 'Akia' which means 'little slave' in Tamacheq, a plaisanterie between cousins or 'Calimaya'. It is this name that stayed with him after his rise to power.

More methodical and better organized than his famous predecessor Sonni Ali Ber (a pious Muslim), Askia Mohamed enforced a puritan surveillance of mores and satisfied the marabouts. Following in the footsteps of Kankou Moussa, he undertook a memorable pilgrimage to Mecca during which he made *wagfs* at Medina for the good of students and pilgrims of West Africa. These donations were in the form of gardens and houses that should belong today to the government of Mali.

From his return from Mecca, Askia Mohamed began wars of Islamic conquest in order to convert people. This caused tension in the royal family as well as in the kingdom. It is Askia Mohamed who created a professional army and freed the population so that they could focus on agricultural production. He abdicated in 1528 in favour of his son Askia Moussa. He died a natural death and his body lies in the Askia vault in Gao.

2.2.4 The Macina Kingdom of the Barry Sangaré dynasty

The founder of this kingdom was Amadou Hamidou Boubou Lobo Barry, alias Sékou Amadou. He was born to an educated Islamic family in the year 1189 of the Hijra (1811) in Malangal, near Téninkou, in the Province of Macina. He was orphaned at a very young age but thanks to his maternal grandfather, he became an intelligent marabou who recruited fanatic followers to kill Guislodo Amadou, the son of the Ardo of Macina.

Worried and terror-stricken, the marabouts of Djenné banished him and he took hold in Noukouma, in the Zébéru from where he prepared the Holy War. In 1818, at Noukouma, Amadou annihilated the expeditionary corps sent by the king Da Diarra of Ségou under the command of Diamogo Séri Diarra.

Freeing themselves from the oppressive power of Ségou, the Macina Peuhl, led by Sékou Amadou Barry, created a state: Hamdallaye. Sékou

Amadou took the title of "Emir Al Mouminoun" or "Commander of the Believers". He reigned from 1818 to 1845. His son and successor, Amadou Sékou, reigned from 1845 to 1853 and pursued his work of islamisation.

Amadou Sékou's successor, Sékou Amadou II (alias Amadou) reigned over Macina from 1853 to 1862. It is he who offered his hospitality and support to Binna Ali, king of Ségou, pursued by El Hadj Umar Tall. Both Binna Ali and Amadou of Macina were captured and executed and their armies annihilated by El Hadj Umar on May 16, 1862.

2.2.5 El Hadj Umar Tall's Toucouleur Empire

The Toucouleur Empire was created by El Hadj Umar. His eldest son, Amadou Sékou Tall, ruled on his behalf the ex-kingdom of Bambara of Ségou while his nephew, Tidiani Tall, reigned over the ex-kingdom of Macina. He was born in 1796 in Guédé Alwar au Fouta Toro, in Sénégal, to Elimane Saïdou Tall and Adam Tall. Youma Aïssé was his master. El Hadj Umar studied the Koran with Lamine Sacko, his elder sister's husband, as well as with Tierno Bismo. A year after his return from Fouta Djallon, El Hadj Umar decided to wage war against the heathens and impose Islam by force. He started his holy war from Tamba Counda, a heathen region. He had taken refuge in Taba because of strife between him and Almamy Umar of the Soriya branch. He then went to Djin with his 34 Talibé. He brought his family there around 1841. He laid siege to Tamba between 1852 and 1853 causing king Yimba to flee (he would eventually be killed by his vassals). His warriors took Bouré and its precious gold in 1853, the Bofing and the Tinkissa valleys, Nioro du Sahel in 1855, the bambara kingdom of Kaarta and the gold-producing zone.

The French governor in Dakar, Louis Léon César Faidherbe reacted to El Hadj Umar's conquests. Thus out of 12 kahassonké chiefs, all but one (Moriba Bafari) signed accords and treaties with the French government to protect themselves against El Hadj Umar. Djouka Sambala Diallo, master of Medina Fort, son of Hawa Damba and younger brother of Kinti, swore allegiance to El Hadj Umar and provided him with troops and supplies between the Massachi of Kaarta.

Many people recognize that the Toucouleur conqueror's goal was the conquest of the Ségou Bambara kingdom, which was no picnic. The fall of Wortaba - the impassable gate jealously guarded by Tata Diarra (eldest son of Bina Ali, king of Ségou) - symbolised the defeat of the kingdom. Specialists have noted that the protective wall was so thick and solid that, were it not for their French canons, the jihadist soldiers would never have been able to take Wortaba. Since the Muslim faith forbids two Muslims from fighting each other, El Hadj Umar only exhibited the fetishes from the main temple as evidence against Bina Ali so as to force Amadou of Macina to hand over his protégé. Amadou refused to oblige since he considered that Bina had indeed converted to Islam.

Between 1862 and 1864 El Hadj Umar confronted the troops formed

by a coalition between Bina Ali, Amadou of Macina and Kounta of Gao. He returned to Hamdallaye on May 17 1862. Following a bloody battle, he left the palace (under siege since February 6 1864) through a secret door and sought refuge in the cave of Déguimbéré to escape his pursuers. His nephew Tidiani, who he had sent to get reinforcements, returned after his death and waged a murderous battle that turned to his advantage following the deaths of Bina Ali and Amadou of Macina. This is why Amadou Tall ruled the ex Bambara kingdom of Ségou and Tidiani on the ex kingdom of Macina up until the conquest by the French colonisers in 1893 when Amadou took refuge in Nigeria.

The Toucouleur conquest began in November 1852 with the siege of king Yimba of Tamba and ended February 12, 1864 with the death of El Hadj Umar in the cave of Déguimbéré. However, his eldest son, Amadou, carried on with the missions of Islamisation and consolidation of toucouleur power in the ancient peulh kingdom of Macina until the French colonial conquest of 1891/1893.

2.2.6 Hammalism and Cheick Hamalla de Nioro

Even though the Nioro saint did not govern directly, through his brotherhood of the “Tidianiya 11 grains” he contributed immensely to the spread and influence of Islam in West Africa. The arrival of this brotherhood coincided with the African independence movements that frightened French colonisers to such an extent that Cheick Hamalla was convicted and deported twice to the Ivory Coast and then to France where he died on January 16, 1943 at Montluçon Hospital. He was buried on January 19, 1943 in tomb number 12 in the 16th row of the modern cemetery. The French colonisers, fearing his ability to summon large crowds, accused him of subversion, disturbance of public order and of encouraging revolt. Hammalism remains the only brotherhood that all the governments of Mali accommodate. Its influence on its followers is still strong. They are highly disciplined and follow the orders of their spiritual leaders in Nioro.

All the kings and leaders of the Mali Empire built their kingdom on both spiritual and material elements: the pursuit of social well-being with faith in the Supreme Being. The inclusion of the great clans in the management of political affairs was a determining factor in their actions. Thus their management systems bear out the fundamental principles of democracy and a pragmatist inclusion of all the needs of mankind, that is to say both worldly and spiritual. Good governance and democracy are not tailored to suit each country according to the desire of the ruling government of the moment. They are universal principles that should contribute to improving the citizens' well-being. Their enforcement imposes constraints on leaders as well as the taking into account of the profound desires of a people. Our suggestion is to widen the reflection on this theme given its importance and also given the breadth of needs currently satisfied in indirect proportion to the eloquence of the speeches.

Despotic governance, governance by chiefs and post-colonial governance

By Jean-Pierre Olivier de Sardan

The concept of “governance” does not get an unqualified endorsement in social sciences. A common criticism put forth is that it is “polluted” by normative readings, as developed notably by the World Bank, the champion of “good governance” strongly coloured by neo-liberal ideology. Another condemnation of the concept, often put forth by the same people, sees it as an attempt of “depolitisation” of public affairs in favour of a strictly managerial or technocratic vision, which would be an illusion or a lie¹⁵. I will not go into this debate here: I simply want to define clearly the position from which I use the concept of governance, specifically: (a) as an analytical tool (and not a normative one), (b) by taking into account the managerial dimension, without turning it into an “anti-politics machine”¹⁶.

Indeed, politics in the widest sense, which includes both running an administration and implementing public policies, does not limit itself solely to phenomena of power (“power of” and “power on”), of domination (or of monopoly on the legitimate use of violence, or of control of minds and bodies), of legitimisation or ideology, even if it is *also*, and sometimes *most of all*, all of the above. Politics addresses *at the same time* forms of delivery and of management of public and collective services and goods, and this is the definition I will give “governance”. This dimension of politics has often been ignored: the State, its agents, its apparatus, have been perceived by a critical tradition (Marxist, anarchist, anti-establishment, and today alter-globalisation) as devices of repression, or of ideological conditioning (serving the interests of big business). However, and even if it were true to some extent at least, these devices also carry out functions of protection, of assistance, of provision of services, of development, of infra-structural creation, etc. (more or less well, more or less efficiently, with more or less justice). That is the case for a progressive democracy as

(15) Cf. Hermet, Kazancigil & Prud'homme, 2005

(16) Ferguson criticised development institutions as an « anti-politics machine » (Ferguson, 1990)

much as for a reactionary dictatorship. To analyse these functions, the way they are taken up (or not, as the case may be), how they are implemented daily and at the grassroots level, is also part of the task of the social sciences. It is not superfluous to point out that although the delivery of public and collective goods and services most often falls to the State, it can also be ensured by other actors: institutions of development, sponsors, the private sector or the voluntary sector (today often referred to as “civil society”), who sometimes complement the State, sometimes replace it, sometimes work hand in hand with it, or sometimes support it via sector-based interventions.

Governance, thus defined, constitutes a “semi-autonomous”¹⁷ field which is indeed not independent from the nature of power, the regime type or the government, but which has its own layering and its own rationale. Neo-liberalism is but one form of governance among others. Under the USSR there existed for example a Soviet governance, with characteristics both common and distinct from Maoist governance... In this sense one can perhaps refer *in some respects* to a “West-African governance” (much as one can refer *in some respects* to a European governance).

Various studies, conducted for some years notably by the Lasdel¹⁸ have indeed shown a convergence in the forms of governance in countries such as Senegal, Benin, Niger and Mali, in spite of their different political paths since the days of colonisation. Others before us had already attempted to describe the African State from certain aspects of its ordinary operation¹⁹. However, the work done by the Lasdel is original as it is based on intensive empirical studies (of a socio-anthropological kind).

To understand the roots of this common governance which today characterizes most African countries, it is necessary to go back to the colonial period. For colonisation did not only institute the modern African State but also, on closer scrutiny, laid the foundations for contemporary forms of governance.

Colonial governance

Our purpose here is not to study in detail the colonial State. I only wish to insist on two paramount dimensions of colonial governance, which I will refer to as despotic governance and governance by chiefs.

[17] To borrow S.F Moore's turn of phrase, coined in reference to the judicial field : Moore, 1978.

[18] The LASDEL is a Beninese and Nigerian social science research centre. The studies in which it has taken part focus on the sectors of healthcare, justice, transport and municipalities. Some results can be found in Jaffré and Olivier de Sardan, 2003, Blundo and Olivier de Sardan, 2006. A first analysis of governance in West Africa, based on these results, was put forward by Olivier de Sardan, 2004 (various elements have been re-used here).

[19] Reference must of course be made to Médard, 1991 (on neo-patrimonialism) or Bayart, 1989 *La Politique du ventre* (cup-board politics). Cf. also, among others : Terray, 1987; Badie, 1992; GEMDEV, 1997; Mbembé, 2000; Darbon, 2001...

Despotic colonial governance

Many studies have shed light on the institutionalised arbitrariness which marked the regime of “*indigénat*”, the absolute power of the “circle” commanders (who had all the powers), the constant drain on men and goods (forced labour, mandatory contributions, personal taxation, conscription, etc.), the constant victimisation and daily humiliations. The word “despotism” has already been used on this subject²⁰.

To consider the colonial State as a provider of services to its subjects thus seems anachronistic, surrealist even, insofar as the “native” was far from being treated as a “user”. The colonial state did, however, also provide benefits to its subjects (notably health, education, roads). This very paradox is what defines despotic governance: services are provided, but on an authoritarian, repressive, arrogant, indeed racist mode. In this respect, despotic colonial governance is of course only one among many modes of despotic governance that have marked history.

Yet colonial governance also was a distinct mode of management of public affairs, which brought together traits originating in the European State model (with its bureaucracy, its procedures, its organisation, its reports, its institutions) and other features “invented” by the colonial situation which often contradicted the first (since one ruled “the natives” rather than administered citizens), *in a situation of exception where the central power's rules need not apply*.

A bureaucracy marked by contempt

The width of the gap separating bureaucrats and “native” users allowed for a great deal of arbitrariness and even of violence in the process-driven traditional bureaucracy which was officially imported “key in hand” from the central power to the colonies. Beyond the contempt often shown by many European civil servants towards the administered population, an entire generation of African auxiliaries and “agents” learnt from the coloniser to erect barriers between themselves and the local population, to multiply the signs indicating their privileged position, to build up their superiority by asserting the inferiority of others, to “mistreat” those they supposedly served, to use arbitrariness... Whereas in Europe modern bureaucracy developed more or less alongside citizenship and democracy, in Africa, throughout the 19th Century, it has signified from the outset (and right on to this day) contempt towards the user in the absence of a civic and egalitarian tradition. A collateral characteristic must be underlined: while in Europe the bureaucracy established itself in relative autonomy from the executive, it has been, in Africa, ever since colonisation (and right up to this day), impossible to dissociate it from the arbitrariness of power.

[20] I had used it to analyse the forms of colonial exploitation (Olivier de Sardan, 1984). Mamdani, 1996, developed for his part an analysis of colonisation from the angle of despotism.

“Privilegism”

The countless “advantages linked to position” which marked the colonial bureaucracy might be referred to as “privilegism”: apart from the salaries which doubled through compensations, everything was owed the administrator: accommodation, domestic workers, means of transport, gifts in kind by the population, free services, mistresses... The gap with metropolitan administrators was made even greater by the fact that colonial officials usually had inferior training and education. Yet the simple fact of having a position in a colonial administration meant a right to these privileges, independent from ability or merit, and this constituted an important motivation for joining this body. For “native” auxiliaries, who were to be at the heart of the new administration once independence was granted, privileges were of course minor when compared to those of the Europeans, but they were important when compared to the situation of ordinary “natives”.

Elections: rigging and the purchase of votes

It is sometimes forgotten that elections and multi-partism appeared in Africa during the period of French colonisation, up to the national conferences, before single parties and military regimes transformed the rules of the game after independence. However, it must be noted that the elections organised after 1945, and then under the enabling law, as well as the referendum, were also largely controlled elections, where the colonial power sought by all means to block the progress of the RDA, by giving rise to “colonial” parties, enjoying the material support of its administration, interfering with the results, distributing money to purchase votes, etc. The electoral and political culture which appeared in the colonies at the time is thus far removed from that of the metropolis at the same time, but significantly close to that which still prevails in Africa today.

The use of middlemen, clientelism, and corruption

Colonial bureaucracy was characterized by both a chronic under-administration and an important gap between local standards and customs and official standards and rules. A need for human resources and a poor understanding of local customs and codes led the colonial bureaucrats not only to tolerate, but to make systematic use of various forms of subcontracting, of clientelism and informal practices, once again, far removed from metropolitan rules, and giving a free hand to auxiliaries, agents, courtiers and henchmen. A “schizophrenic” administrative structure thus emerged, divided between procedural form, superficially honoured, mostly on paper, and a number of informal arrangements, negotiated by eager and omnipresent intermediaries. The importance of such negotiations and mediation, which translated into “arrangements”, is without a doubt at the origin of the first forms of small-scale corruption, which emerged as early as the colonial period much to the advantage of the auxiliaries

and intermediaries, but also of the French civil servants working in the colonies. Similarly, bureaucratic clientelism, where a civil servant had his “protégés” and granted advantages to those who helped him, as well as to his relatives and acquaintances, emerged under colonial rule.

Among auxiliaries, a distinct place must be given to the chiefs, insofar as their role was neither informal nor included in the bureaucratic organisation as such: it amounted to an original institution, set on the fringe of colonial administration, yet playing a central role in it.

Governance by chiefs

“Administrative chiefdom” represented a major colonial innovation. The colonial administration appointed the chiefs (of villages or counties, sometimes of provinces), paid them, defined their role, supervised them. Colonial despotism was exercised through them: the chiefs were in charge of recruitment of forced labour or conscription, they collected taxes on behalf of the local commanders, they had a role in justice in the lower courts, they played the role of transmitter for the administration in any field, and were the link between the colonial structure and the people. They were indeed meant to represent both the population vis-à-vis the colonial administration and the colonial administration vis-à-vis the population. During the colonial period, the rural world knew neither local councils nor mayors. Village and county chiefs alone controlled the country: the county chiefdom, placed above the village chiefdom, was indeed the primary source of official power in the rural world.

To be sure, the administrative chiefdom claimed its legitimacy from the pre-colonial chiefdoms. But the latter answered to multiple forms of power (kings, emirs, sultans, village patriarchs, lineage elder, etc.) linked to very different contexts (wars, slavery, political domination and subjection, confederations, etc.) and their legitimacy stemmed from many different elements (magical-religious investiture, right of conquest, lineage alliances, matrimonial alliances, etc.) The “pre-colonial” legitimacy of the colonial administrative chiefdom is to a large extent a fiction cooked up by the colonial power and the chiefs it put in power, supported by various “invented traditions” (or neo-traditions), and the recycling of some pre-colonial elements of political rituals. A sociological reality allowed for this very ideological usage of “tradition”: the administrative chiefs were indeed often members of the pre-colonial aristocracy (the vast majority of this strata collaborated with the colonial power, and colonisation largely rested on it).

In any case *the administrative chiefs’ power lay in reality with the local commanders and governors, they were essential elements of colonial governance*. The mode of local governance relying on chiefs was very distinctive. It governed all of the African countryside under French domination for more than sixty years²¹, it was the way through which the populations came into contact with modern administration and, as we shall see, it left many traces in post-colonial governance. I will summarise its principal traits.

Patrimonialism

A confusion always existed (with the blessing of the colonial power) between the chief's personal and professional resources and expenses. He only received from the State a salary (and a commission on the taxes which he collected for the administration). He did not receive benefits or grants linked to his role. Without an official budget, he was thus obliged to finance his official duties with his own revenues.

Yet he had a "position to keep" and his role imposed numerous expenses. Donations and gifts, the upkeep of emissaries, journeys and tours, hospitality: he constantly had to pay, to give, to distribute.

We have a typical case of "patrimonialism", much like the classical sultanate quoted by Max Weber²². The chief, although he was an integral part of the colonial administrative system, had to cover from his own purse the activities linked to his function, which resulted in a complete amalgamation of official and private expenses. The chief had to find the resources he needed, resources which allowed him all at once to meet the expenses brought about by his role, maintain and increase his prestige, and to augment his personal wealth.

In fact, county chiefs often had important personal resources, due to the establishment of large familial domains, often seized by the Chief over the years with the complicity of the colonial authorities.

Confusion of powers

In his county the chief had no institutional counterweight and in fact personally held all powers, more precisely the powers of administration, justice, and police. On the local scale there were neither division of powers nor balance of powers, but confusion of powers. The chief represented the local commander. He could arrest any citizen and bring him to his local commander. He could, in the name of the colonial administration, summon all the villagers individually or collectively. He could impose fines, settle conflicts regarding property, inheritance, divorce or adultery, brawls and theft, disputes between cattle breeders and farmers, by applying a customary law often reworked to his advantage, to an undefined jurisdiction leaving plenty of room for personal appreciation.

Predation and corruption

The county chief always enjoyed the colonial authorities' blessing, for collecting so-called "customary" fees and other "contributions" from the citizens under his jurisdiction²³. He thus benefited from multiple more or

less "traditional" (often "neo-traditional") tributes. Of course the colonial period is not homogeneous and periods must be defined: the massive exactions and brutal repressions which marked chiefdom at the onset of the colonial period abated progressively (due to the RDA struggle, and to the abolition of the *indigénat* in 1945, and finally to the Defferre enabling law), and the scope of the predation had been much reduced before independence.

Justice meted out by the chief remained in any case a central source of funding: apart from an oft-requested "*droit de table*" (this flat fee paid by both parties requesting judgement is a product of the colonial period), other more or less official levies filled the coffers of the chief or his henchmen: a "right to convocation", fines imposed and received personally, commissions on damages, and especially large backhanders paid to ensure a favourable judgement, or to show gratitude *a posteriori*. The corruption of justice in Africa is a legacy of the colonial administrative chiefdom.

Nepotism and clientelism patterns

Conversely, the chiefs redistributed an important part of these "informal" resources to their dependants, their courts, and some of their subjects. They maintained an entire network of hangers-on. Yet the possession of manpower like that of wealth (and the constant conversion of economic capital into social capital and back) were prerequisite to accessing chiefdom, and to the success of a "reign".

In addition, the chief maintained a "household" out of which he staffed his official functions. He needed guards, representatives to the administration, tax collectors, emissaries to be dispatched to villages, an assistant for the completion of administrative tasks, and of course the unavoidable griots waiting upon him and singing his praise.

For all these positions the chief hired and fired at will. He systematically chose family members or dependents. They were paid by him in an informal manner, and answered only to him.

No accountability to the citizens

Patrimonialism, which was inherent to chiefdom, implied the absence of accountability. There was no budget hence no books. Apart from accounts in the strictest sense of the term, the chiefs escaped from all "accountability". They were appointed for life by the colonial administration, and were thus never submitted to the control of their "subjects". The only threat to their power was that of being revoked if they alienated local commanders and governors, which no doubt explains the fact that the vast majority of chiefs always pandered to the colonial regime. Their deference in turn allowed them a large degree of autonomy in matters of local politics. Subjects who protested against their chiefs risked being punished for their pains: questioning the chief's authority could be seen as insubordination. The colonial period is rife with such cases, where the local com-

(21) Its British equivalent, known as « indirect rule », to which it is often opposed, has in fact many similar traits in terms of governance.

(22) Cf. Weber, 1971.

(23) On these customary fees during colonisation (in Western Niger), which were far from reflecting « pre-colonial customs », cf. Olivier de Sardan, 1984 (and more generally on administrative chiefdom and its differences with pre-colonial chiefdom).

mander imprisoned the unfortunate villagers who had dared complain against their county chiefs. Chieftdom thus resulted in a culture of impunity.

Aristocratic ostentation

County chieftdom remained, until independence, the central seat of local pre-eminence (and it still remains, most often, one of its channels). The prestige of chieftdom was rehearsed everyday by splendidly effective ostentatious devices: the “palace” where the chief resided, the court surrounding him, his guards the *griots* proclaiming his praise, the titles he handed out, the hearings he granted, the supplicants in their droves, the ceremonies of which he is the centre, the deference which he inspires... Under colonisation, district chiefs generalised the etiquette and the forms once reserved for a few pre-colonial kingdoms or sultanates, and turned the display of their advantages and privileges into a rule of political behaviour.

Interneceine struggles

The visibility and the centrality of the local chief always had a downside: they led to innumerable conflicts and intrigues, notably among the local aristocratic in-circle. The colonial administration would select, at the death of a chief, his successor among various candidates within his family. Excluded relations, disowned cousins, oozed with bitterness and gossip. There were not many local chieftdoms where a part of the reigning family was not pitted against another²⁴. Pretenders to the throne would all seek to obtain through intrigue the disqualification of adversaries in their favour from the commander, the governor, or their advisors. One would invoke the decision of a preceding administrator, the lineage of an unjustly revoked grand-father or uncle, claim a one-time district now disappeared, at times mobilize pre-colonial references offering in the process a new reading of “traditional” procedures... Ever since colonisation and the creation of the administrative chieftdom, the nomination and revocation of chiefs from rival branches have always occurred, at the whim of colonial power, thus multiplying quarrels and competing claims among the various heirs of each succeeding chiefs. For good measure, the boundaries of territorial districts also changed with time, leading to the inclusion in or exclusion from the group of possible heirs from this or that fraction of the local aristocracy in the process.

The concentration of the signs of local power in a single person, and the monopoly of this function by different branches of single families, were two elements which converged to explain the severity and the permanence of “neighbour disputes” or “family disputes” relating to local chieftdom.

[24] For example, in Niger, the phrase « children of the same father » (baabizy in Zarma, yan uba in Hausa), has a connotation of jealousy, rivalry, conflictual relationship, notably regarding conflicts between relatives for access to chieftdom.

Post-colonial governance

I have insisted on the two major traits of colonial governance because my hypothesis is that *the characteristics which mark post-colonial governance are largely influenced by the colonial heritage, post-colonial governance being, among other things, simultaneously that of chief-centred and despotic*. These two forms have intermingled and influenced one another, even though the post-colonial “bureaucracy of responsibility” (the administrative hierarchy) was more influenced by chief-style governance, whereas the post-colonial “bureaucracy of contact” (where civil servants are in contact with the users) favoured despotic governance.

For there never occurred a clean break between colonial and post-colonial administration. Once independence was granted, the new States structured themselves in line with the colonial model and enlarged on it. Post-colonial innovations have tended to expand or deepen the colonial model rather than transform or eliminate it.

The paradox lies in the fact that the specific forms of African governance are often attributed to surviving pre-colonial tendencies or to a traditional political culture²⁵, whereas they are first and foremost a historical spin-off of colonisation.

Don’t misunderstand me: I do not want to exonerate the African elites in power from their responsibility in the present forms of governance, and to place the blame solely on colonisation. I simply want to stress that the process of State construction in modern Africa begins with colonisation (and not with the declarations of independence), and that colonisation laid the foundations and drew the first outlines of the governance models which still prevail. It is clear, however, that it is the post-colonial African elites who chose not to break the colonial governance mould but to reinforce it instead, and to widen and strengthen it.

The post-colonial, neo-chieftdom, governance

Of course, in most countries of French-speaking Africa, chieftdom no longer is an official institution (apart from in the Niger). However, its influence in the rural world remains strong everywhere. The process of decentralisation has shown that chiefs retain a strong symbolic capital and that they try to make it serve in local elections. a “return of the kings”...²⁶ is what some people have called it.

But it is not at this level that the legacy of administrative chieftdom seems to be the most pregnant in terms of governance. *There is good cause*

[25] Cf. for example Chabal and Daloz, 1999.

[26] Cf. for example Almeida-Topor and Perrot, 2001 ; Rouveroy van Nieuwaal and van Dijk, 1999.

to think that chief-centred governance has spun off, far beyond the chiefdom, into an institution or a social sector, acting as a political model for national elites. Even if chiefdom is no longer the hegemonic or dominant form of local power, the mode of governance through chiefs seems to have spread far beyond its original constituency, and to have penetrated the very heart of administrations and of the State, to influence in a significant manner public governance at every level (although public governance officially follows “Western” norms) and to have lasting bearing on the political culture of elites. It is a more or less latent template for the attitude of those in power. The behaviour of the heads of departments or of political parties are powerful echoes of that of local chiefs, who seem to hold a real fascination for national political leaders. A minister manages his ministry in part as if it were a county, and a chief-style management characterises the practical standards observed by the majority of State officials, from the President to the vice-director of your obscure local administration.

So there is a strong resemblance between the diverse features of the afore-mentioned governance by chiefs of the colonial era and the most striking features of the way public services operate in various States of West Africa²⁷. The amalgamation between private and public good, the abuse of power, corruption and plundering, nepotism, non-accountability, ostentation, internal rivalries, all these traits of governance by chiefs have clearly become inherent to the post-colonial “political culture”²⁸ or “bureaucratic culture”, at every level of the State. It is conceivable that they rely on an “unofficial” legitimacy originating in part in the chiefdom governance model, the *modus operandi* and underlying ideology of which spread covertly to modern institutions, including and especially to the head of the State or the political parties...

It thus seems legitimate to speak of a “neo-chiefdom” governance typical of the modern “bureaucracy of responsibility”. This passage from governance by chiefs (as a colonial institution of local power) to a “neo-chiefdom” governance (as a behavioural model for the bureaucratic elites) calls to mind the “neo-patrimonialism” so well described by Médard²⁹. In fact, under colonisation, administrative chiefdom pertained to patrimonialism proper (and not to neo-patrimonialism), insofar as the *official norms* themselves were patrimonial for they had been granted or tolerated as such by the colonial administration. However the contemporary neo-chiefdom mode of governance comes under neo-patrimonialism insofar as it is inspired by *practical norms* far removed from official bureaucratic norms. If, theoretically (on paper, in the texts and the speeches), the arrangement of the post-colonial State for public governance follows rules and procedu-

res which lay in direct opposition to patrimonialism (and to the colonial governance by chiefs), *de facto* daily governance is very different, and seems to harp back to governance by chiefs of old.

Neo-despotic post-colonial governance

With independence, the despotic model of colonial governance was given a new lease of life and has largely prospered in the hands of the new bureaucracies which, far from breaking with it, re-appropriated it: it is possible to speak of a neo-despotic governance.

In the course of our surveys in urban health centres, some years ago, the recurring sentence we heard from the sick was: “They don’t even look at us !”³⁰ You couldn’t express better the sense of humiliation felt by public service users who, in the context of illness, could have expected a degree of compassion from the agents of the State.

More generally the entire “bureaucracy of contact”, which comes into contact with the average citizen, is characterised by a culture of contempt towards the user, contradicting any notion of “service” one might have taken as read in the term “public service”. The same goes for the privilege, for electoral rigging, for the use of “informal arrangements”, for clientelism and corruption, which were inherent traits of colonial despotic governance and which one finds today at the heart of the neo-despotism of post-colonial administrations.

It is very telling that the varied political paths followed by West African countries after their independence when they took different sides in the Cold War, and which entailed (at least theoretically) very different politico-economic models (liberalism, pure socialism, social-democracy, military dictatorship, etc.) never in fact altered or threatened despotic governance itself, which has remained a trait common to them all. The “pro-West” States favouring economic liberalism had no qualms with single parties or military regimes. The “pro-Socialist” States were not to be outdone. The military inspired “techniques of mass control”, imported from Israel by some and from Eastern block countries by others deepened everywhere the despotic dimension inherited from colonisation. Elections which lacked fairness under colonisation had become electoral jokes of Stalinist proportions before the democratisation of the 1990s, and are nothing but vast vote markets since. Privilegism has intensified, both through “democratisation” at the centre (any public function is worth primarily the privileges it provides to its holder) and by excesses at the top (heads of State). Unofficial, “informal” interference in the management of public affairs has proliferated.

[27] Cf. Olivier de Sardan, 2004.

[28] I refer to the word « culture » only to describe shared behaviours and practical norms, as shown by studies, and not to the culturalist sense of a heritage of traditional values defining the identity of a group.

[29] Cf. Médard, 1991 ; for the distinction between official norms and practical norms, cf. Bailey, 1969; Olivier de Sardan, 2001.

[30] Cf. Jaffré and Olivier de Sardan, 2003.

The same mode of governance

The alliance of neo-despotic and neo-chiefdom governance is not enough to describe today's modes of governance. One must also allow for developmentist governance. "Development income" has become a central element of public policies in Africa. Development institutions, which are omni-present in Africa, and for the most part guided from the North, deliver in fact public or collective goods and services, or have a significant input in their delivery by the administration or the associations. At local level they import, through "projects", a peculiar institutional structure that implies new forms of governance (cf. management committees). They try to bring about (and sometimes to impose) conditionalities of governance at the heart of the State's apparatus (for example through aid by sector or the RSP). They support the creation and reinforcement of "civil society".

It must be noted that their means of intervention are very similar from one country to the next. In other words, developmentist governance also contributes, much as the colonial legacy does in other ways, to the creation of a common mode of governance in West Africa.

It does not follow that there exists a real uniformity or homogeneity. The neo-despotic or neo-chiefdom forms of governance on one hand, and the developmentist forms on the other are quite different, *and their conjunction gives plenty of room for manoeuvre*. Besides, many other forms of governance exist, sometimes less visible or familiar (e.g. sponsorship). The neo-colonial mode of governance is not a monolith, but the result of different forces, sometimes divergent, which leads to similar lines of force in many African countries and even to an overall balance. *Of course there are many differences, but they do not differentiate a country from another (except in nuances), they rather affect each country internally, with variations between sectors, fields, local or professional contexts, within the common general framework known as post-colonial mode of governance.*

The latter is neither a "departure" from a European "model" which should be respected or imposed, nor is it the extension of a supposed pre-colonial political culture. It is an original formula, related to the modernity and to the recent history of African countries.³¹

The question of reform

Who asks it?

The fact that the African State is original, its own creation, does not make it satisfactory. All our data show on the contrary profound dissatis-

faction with the system of governance in place, both within the ranks of the civil service and among users. To observe a degree of "decay" in the contemporary African State is not necessarily a Western, ethno-centrist prejudice (although it sometimes is), on the contrary a widespread sentiment in Africa itself, confirmed by our studies focusing both on civil servants and on users.

At the same time, a number of State activities "work in spite of everything", more or less well. Small pockets of functionality remain or are created and not only under "perfusion" from aid projects or sector-based interventions (although it is often the case). Similarly, a number of routine practices ensure a modicum of service, even if it is hardly enough. These States are thus full of paradoxes and ambivalence, between a growing "informal privatisation" and a quality of services produced considered appalling by the vast majority on one side, and an undeniable capacity to endure willy nilly and to manage their own brand of minimal public activities on the other.

This context must be taken into account to approach the question of reforms - considered urgent by the citizens of our countries.

There is good cause to doubt the capacity of today's ruling elites to produce such reforms "top down", and even more the effect of external injunctions, which most often only result in a reinforcement of the politicians' talent for "double talk" (one language towards the international lenders inspired by developmentist governance, and another, for real politics, that of "arrangements" and of everyday governance, between colleagues and acquaintances, far from Western arrogance and naivety).

Starting from practical norms

It seems more important to invent, "home grown", new forms of governance, which we believe must mean starting from practical norms, local professional cultures and concrete behaviours, rather than official norms and hierarchies.

Norms and behaviours

According to a linear reading, which still prevails, the perceived gap between norms and behaviours is the result of a poor "application" of norms, or of an inadequate grasp thereof (the "message" is fudged), and it is thus necessary either to better enforce the norms (control), or to better ensure their understanding by the actors (training).

We prefer to use a more complex reading which introduces between official norms and behaviours the level of "practical" norms. The real behaviours are not just deviant in respect to official norms, but rather correspond to other, unspoken, norms, which we will refer to as practical norms. In other words, the behaviour of State's agents who observably do not fol-

[31] I refer here to a range of stimulating thoughts that criticise the reading of the African state as a mere distortion of the Western State (cf. among others Hibou, 1999). Their limitation, however, is that they refer to the State in general rather than make use of concrete data regarding the factual operation of administrations.

low official norms, are not erratic, non-standard, unpredictable: they are regulated by other norms, which it is necessary to “discover”. This discovery is made more difficult by the fact that these practical norms are not explicit, and that the actors themselves are not necessarily conscious or aware of their predominance.

Understanding these practical norms, which ordain the behaviour of State agents and the manner in which public services are delivered, seems to be prerequisite to any reform. It is indeed the only way that will enable us to answer, one day, this question: which are the practical norms which might be altered and in what conditions? Without this answer we will continue to rely only on official norms and attempt to drum them into civil servants, top down, through conditionalities, projects, placements, seminars and other training programs which have always been “recuperated” and “diverted” by underlying practical norms as so many extra resources to hook into without bringing about a real behavioural change.

Reformers from within and reformers from without

The reforms pushed forward by international lenders, alongside massive injections of funds, have largely shown their inefficiency. International institutions and development partners find themselves, paradoxically, in the position of “reformers from without” who seek to promote reforms within sovereign States whose elites do not actually want them. The international lenders remain foreign to local political games and daily governance, as they are foreign to practical norms. *Reformers from without can not bring about concrete results without reformers from within. No reform will be successful if it is not first and foremost the product of a drive originating within the societies and States concerned.*

But how can one foster such mechanisms? Who are the reformers with the power to transform, at least in part, practical norms?

There is no miracle cure, no ready recipe, no magical solution. Our studies let through a ray of hope, however. We have everywhere met “admirable exceptions”, competent, upright and approachable state agents, who resist at least partially the current mode of governance and try to uphold a public service *ethos*, in the respect of the user, and of the general interest. They work conscientiously, free from greed, they are good and reasonably discreet listeners, following to some extent different practical norms. They implement different forms of governance, in spite of the heavy social cost it entails (disapproval by the entourage, hostility from their colleagues, pressure from the family, political and economic marginalisation, etc.). Ignored or feared by the bureaucratic hierarchy, isolated, often discouraged, sometimes bitter, they are the ones that should be noticed, supported, appreciated, so that their example spreads and they become role models for their colleagues. How can we help these “*reformers from within*” to break their isolation, to meet, to create networks and act in a coordinated manner?

Another ray of hope might, paradoxically, stem from the general disgust felt by both agents and users of public services. We never met, in our studies, happy agents or happy users of public services... Could this general exasperation become a force for change? Could it not lead to reactions within the public sector itself, allowing civil servants to regain a certain pride (which today has disappeared) in the good execution of their tasks? Could it not lead to the creation of associations of users fighting for respect and the right not to be robbed, along with pressure from “civil society”, from the “political class” and voluntary associations on the authorities and the media?

Conclusion

The post-colonial mode of governance is a mish-mash, comprising varied forms of governance, among which we find neo-despotic and neo-chieftdom governance, which are colonial legacies recuperated and developed by the political and bureaucratic elites since independence.

A break with this mode of governance is much desired by a vast majority of the population, but it founders on the practical norms which ordain the ordinary operation of public services and the contacts between civil servants and consumers, which are more or less internalised by everyone, leading to a reproduction of the current situation. The process through which these norms will be transformed will be complex, long and difficult. It requires the emergence of reformers from within and of citizens’ movements “relying on their own means” (that is not focused on the appropriation of “development income”). Without these reformers from within and these movements, lenders’ attempts to introduce a “developmentist governance” on the basis of imported official norms are doomed.

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Live by the land and abide in it by adjusting to new demands and realities

By Dr Ousmane Traore

Introduction

› *The first inhabitant is always the village chief (Dougoutigui).*

› *He who has land, has.*

› *Land is owned by whoever works it...*

› *A woman has her home where her husband lives.*

› *Whoever welcomes today, will be welcomed tomorrow.*

› *A woman is the person who belongs to her father's family, then on a secondary level to her husband's family and then finally to her son's family.*

› *Land conflicts are born, grow but never die.*

› *It is forbidden to fish at night.*

In a conflict between a stock-breeder and a land-farmer, the truth always sides with the farmer, because as the saying goes, fields "do not roam, it is the animal that roams" therefore the breeder is in the wrong...

› *However much I am offered, I will not sell my land.*

› *The well that I dig is mine, and mine only, but as soon as the water level decreases, only my family has the right to use it (the exclusive right).*

These sayings appear simple at first glance, but they contain the deep and highly revealing inner truth of societies who construct their thoughts around their immediate surroundings and experiences. To say that "the way one says something is more important than what is being said", is the only way to grasp the rural teachings behind these thoughts.

One must analyse these societies with simplicity, thorough understanding, even when there is a risk of diverging interpretations. This is especially true when one does not grasp the depth of the thought and the meaning of the message.

Foretold is forewarned, we will need to proceed with due consideration. We touch here the very essence of the real power that man has in society.

The vicissitudes of this power, its most visible but also its most hidden facets lie behind these sayings. (Relationships with women, with others etc.).

An “initiated” old African talks to the non-initiated called upon to decipher the messages based on codes accessed according to social background, the level of familiarity with native science and the level of responsibility granted. This initiatory conception of knowledge is present throughout rural Africa.

Today’s theme, **“Between tradition and modernity, what governance for Africa?”**, is timely at a time when African intellectuals’ thoughts and works are considered insignificant and of little worth when set against the numerous and diverse problems we face and which remain without answers. And yet, throughout the history of mankind, it has been the case that people have always faced up to the problems which have plagued them.

For then, they looked for, and found, appropriate solutions.

Is this due to a superior organisation of these societies? To the ruling class’s acute sense of obligation? Or to a historical necessity without which all human life would become useless or wiped out? We are going to X-ray our societies in order to discover in their construction the faults and pillars which did hold up the building but which today show signs of sinking and decay. Maybe the land has grown old and reached its maximum adhesion. Maybe the new constructions built around it have impacted on the original foundations either because they were built with stronger materials, or maybe because they had been designed for the very purpose of weakening our foundations? That is the time unashamedly to spell out our cultural values and to affirm our deeper self.

It has been said that Africa is off to a bad start? Stuck in the mud? Refusing development? Is she losing all the weavers for her “mat”, as Joseph Ki Zerbo explained before his death? Should we agree with Amadou Hampathé Ba’s that all African libraries are extinct or unlikely to be sustained?

In its daily experience, Africa lay wounded (war, drought, AIDS, deforestation, famine), excluded from globalisation (a backward economy, badly governed, laggard technology, widespread illiteracy, a sluggish agricultural sector etc.). All these constraints assume a dual model of society: advanced, industrial societies and those which have not advanced; amongst which Africa gives considerable cause for concern.

This invites us to examine ourselves before looking at others and to blame ourselves before blaming others, to come out of ourselves, to be reconciled with ourselves and to learn afresh what in the past made us great and prestigious. Finally to take stock of our disintegration, take responsibility for it and renew our energies. Today we must learn to negotiate the necessary changes, whilst remaining ourselves.

The focus for this exercise has been voluntarily centred on the issue of land ownership, that is to say mundanely, the stewardship of the land. Land brings to the fore in an organised society, agents who produce and renew their prosperity in the respect of customary rules and practices which have been adapted and accepted by the society. In order to live, men need to produce and in order to produce it is indispensable to set up rules

and create a unique frame of reference which can be applied to all and accepted by all. We have chosen the topic of land because in examining it we realise the full complexity of our societies, their creative genius and the cultural resilience of the people which help them resist and stay themselves.

Just as today, the power and strength of the organisation of industrial societies rely entirely on the concept of business, yesterday our societies were entirely founded on traditional rules and modes of management of the land.

In reality, the land must be examined in terms of usage, settlements and occupation. The entire set of techniques to manage the land is governed by usage and customs resulting from the obstinacy and sturdiness of local institutions which, come hell or high water, had to ensure the peace and tranquillity of the communities.

The analysis of land ownership opens on both tradition and modernity. It forces us to examine ourselves and look into the future whilst bearing in mind that the land remains the only safe investment for rural populations. Only the land can weld the members of the community together, and help bring about desired change, if used properly.

The presentation that will follow will underline on the one hand the African genius manifested through land management and on the other hand the shortage and constraints that make this management difficult and troublesome. It will also propose affordable alternative solutions or research options which are adapted to our realities.

I. African genius manifest in land management

In order to fully understand a society, it is important to start from the rules elaborated by that society in order to manage a public good. This is the case in Africa, especially in Mali, with respect to land. Indeed, in villages it would be hard to find a household who did not own a field or have access to one, whereas the homeless are commonplace in the city. Within the nomad groups no man is ever refused to let his animals graze in the fields, except in special cases where the violation of the rule of law has reached an intolerable peak.

The land is a gift from God

Framed in this sacred vision, the earth cannot be assimilated to any other of nature’s gifts. Not having created it, and not having received from God the power to create it, man does not amount to much at all. Hence the obligation to respect nature’s laws that govern the earth at the risk of angering his creator. This conception imposes obligations on man, not least the adoration of the earth. At any event, it is in this very earth that will have fed him and all the members of his family for his whole life that he will come to rest.

Land as a source of power

God created the earth, but initially peopled it with protective Spirits who existed before mankind. And it was to them that God originally entrusted the earth. Man, come from the heavens as a result of divine punishment will be obliged to make pacts with these spirits. It is only with their consent that men will be allowed to settle land.

Normally this transfer is carried out through ritual sacrifices (Kola, slaughter of chickens or sheep and the preparation of meals for the Spirits etc.) Once the sacrifices are carried out, in observance of the Spirit's prescriptions, men can settle at will. It is from this moment that the Spirits will hand over their power to the first occupier who will then take possession of the territory and start to clear the land (the right of the axe) or to burn it (the right to fire). These rights result from the very first occupation, bestowed on the first inhabitant the powers of chief of the place, or as he will be called later, the village chief or the chief of the land.

This very broad first occupier's right will perpetuate itself. On the basis of this right, the first occupier becomes the chief of the entire community (Ancestor). Those who will inhabit these places will do so with his permission upon carrying out a symbolic and instant ritual (Kola, cotton strip). This ritual allows the occupier to install himself and to use the land in a deal where sacrifices for food grant eternal use.

The right to settle the land will always connote obligations for the occupier. This person according to societal practice must every year after the harvest show his allegiance during a ceremony for the village chief, or the legal owner of the land (dancing through the main streets of the village and ending up at the first occupant's house, leaving sheaves of millet and rice at the village chief's house). The first occupants will always be able to delegate their powers to allied families or relations.

In nomadic and peulh societies, the right of the sword has resolved problems in a different way. The necessity to control wide open and unsafe spaces has meant that the strongest became the masters of the land. Example: the Tinguériguefs in Goudam, the Dicko in Douentza (right up to the frontier with Burkina Faso in the past, and in the Delta), the Ifoghas in Kidal, the Ouillimiden in Ménaka Firhoum.

In African societies, water and the bush are privileged places, haunted by the Spirits. These Spirits are incarnated in wild animals (hyenas, deer) or aquatic creatures. This is why Masters of water and the bush (totem) have been designated to manage these spaces. These masters are the only ones empowered to penetrate these places without permission, whereas all the other men must obtain prior permission from them or risk endangering their lives.

In Kayes in the village of Naéla, Circle of Yélimané, the owners of the pond must authorise entry and the right to fish there. If this rule is not observed, the fisherman will fish toads or snakes instead of fish. In the bush, the same worship exists towards the masters of the bush, the hun-

ters. The latter must always give their agreement to a hunter who wants to go hunting. Infringement of this rule will only lead to an unsuccessful hunt fraught with danger. To facilitate access to the bush, men are initiated in the art of hunting (Donzo). This art leads to another art - that of plants (traditional medicine).

Once in the bush everything is subject to interpretation; the shooting star, animals mating. while hunting just outside the Kéniéba forest, the hunters saw two animals mating. The Master hunter starts reciting secrets and orders the rest of the party to continue walking. He will explain that this sign means that one of the members of the party is betrayed in adultery. The same goes for the mining activity but with more markedly mystical connotations.

It is generally accepted that gold mines are for the dwelling of Spirits. Wherever there is gold there are Spirits. The inhabitants of gold-producing villages are subjected every year to rituals, as prescribed by the village chiefs or the founding families. The year where the sacrifices are not done or are done late, the village feels the effects on its local economy. The mining production for the year is less plentiful "it is said that gold has shun the placers". In some cases it is believed that certain social classes or castes foul the mines.

In 1980, the populations of Sitakilly asked the French mining organisation; 'le Bureau de Recherche Géologique et Minière (BRGM)' to offer up white colas, and live animals, because a man from a certain caste had entered the mine in defiance of usage and custom.

In Kéniéba, these considerations are so ingrained that a woman who works the placers and finds gold nuggets cannot sell them on the market without letting her husband know. She would expose herself to being sterile for life.

In Dialafara still in the Circle of Kéniéba, the populations rebelled against the families of the village chief, who in fact were the legal owners of the mining rights, which they wanted to release. As soon as the news broke, the new revolutionaries questioned the village chief's mining monopoly and they began carrying out acts of sabotage and denigration. A few months later, the rebels calmed down, quite simply because mining generated no income during this period. The people had become poor.

Furthermore, examining the traditional techniques of village creation, we have noted everywhere the presence of hunters, the bush explorers, there to find places fit for human habitation. The first occupier has always had populating his territory in mind. This is why prayers are said at the creation of a village asking God to make more people come, more strangers who will participate in the prosperity of the village. This is the case of the Niaré in Bamako (whose pigeons must fly further to widen the boundaries). However, these prayers have never altered the status of the stranger who remains excluded from land ownership (restriction and control of the right of access).

The land is a source of cohesion in the community

Many authors, both European and African, have seen in the land the unifying power between members of a family or a community. It is around it that the bio-socio-communitarian links are built and strengthened.

Hence the fundamental and primordial importance of the biological bond. Through it, all the past, present and future users of the Land are linked and attached to the founding Ancestor (the village where the burial site of the Ancestor is located is considered as the founding village among the Dogon).

This “binding” character, coupled with the idea that the Land is sacred, gives it a non-commercial dimension: the land is inalienable. In a system tightening the relations between men, women are excluded. Indeed, according to tradition the Land is primarily male. This is not compatible with the “tainted” status of women, which makes them unfit for the performance of rites.

All the inhabitants of a village are linked by blood, a link which is maintained by marriage bonds, and can be extended by pacts between the founding family and the others (African hospitality is a preliminary to that extension and the preparedness to accept the settlement of strangers).

In Africa, the more numerous a family, the stronger and more outstanding its social authority. This is not unimportant in case of a war. This explains why land conflicts are not desired or desirable, insofar as they unavoidably harm existing links. so that in a given area, the inhabitants know and distinguish with ease the native founders from the newcomers. The village (chiefs), customary owners of the land, always wield influence and incite respect. This reinforces their legitimacy and their authority.

This right to property is rarely transmissible to others. It is a privilege of the family and cannot be bought or sold. The customary landlord is not obliged to live on the Territory in which his Land is located (Naéla in Djenné, the landowning families have lived in Bamako for more than a century).

Let us remember that, in the rural world, “the Land is a social, clanish, and racial vector”. The modes of accession to the Land create a distinction between the land-owning families on one hand and on the other, the space-using families who are convinced that their right of use will never be revoked as long as they do not oppose the pact governing them. This certainty, which is almost a “given”, is very interesting to observe in an environment where the given word has a weight and a meaning (Landed aristocracy).

The bonds described above, coupled with a sense of honour and the respect of rites, give to the Land a full-blown psychological, affective dimension. “We want to manage the land as it was handed to us at any cost, to do as those who preceded us, to preserve in their entirety all the attributes attached to the land”.

The land carries with it the family’s breadwinning dignity and is at the very core of its existence. Since the colonial period the conflict between Sossobé and Sassalbé in Mopti has erupted: all are ready to die for a strip of land.

Some rules and practices

The Local Institutions: foundations and strength of the rural world

A poor knowledge of local institutions results in them being considered “backward” or “antiquated” so as to provoke contempt for them or damage their credibility.

To grasp these institutions one must insist, first of all, on the modes of transmission of knowledge in traditional societies and then on the meaning of traditional education itself.

Traditional societies always make use of education through prohibition to fix the teachings in the minds of people, an education furnished with proverbs and sayings. Most often, to instil knowledge the chosen method consists in saying that a thing is forbidden, period, no explanation. This technique, leaving no room for argument or exchange between master and pupil, is a tried and tested method and very widespread. In that way, the fear of transgression is constantly present, it deters and quails any resolve in a society where contention and dissent are frowned upon. The end-result is that the old men, who teach these prohibitions, are feared and respected. They are an incarnation of truth, representatives on earth of the ancestors with whom they are in communication. An example among the Dogon is the Hogon, a patriarch surrounded by old priests who lives most often alone in the Ancestor’s hut. Near him resides a snake who often licks him: this action is translated and interpreted.

Concretely, when it is said, for example in the field of the management of natural resources, that “it is forbidden to fish at night” this in fact means: to fish at night is not in the advantage of the fisherman as fish remain in the depths of the water at night. Further, if the fisherman falls or drowns, no one is there to rescue him. For these two obvious reasons fishing at night has been forbidden.

In another example, if perchance an animal finds himself in a village among humans, it is usually forbidden to kill it: traditionally, a lost animal is seen as a messenger. Further, in terms of management of natural resources, there is an appropriate time and place to kill animals (a system of animal preservation). The forceful, non-negotiable style of these injunctions is not without effect.

The difficulty in the implementation of international conventions adhered to by African States is in part explained by the existence of customs which are firmly ingrained in collective consciousness entrenched in values and logics specific to these societies. Today this brings into question the European ethnocentrism inherent to the values of international law.

The strength of local institutions rests not only with the fact that their members are beyond reproach, but also with the importance of their responsibilities (they are answerable to the Gods and Ancestors), and most importantly with the swift execution of the decisions they take. The decisions taken are not only accepted: their consequences are also feared. Disobedience is met with lethal punishment, right of out of hand.

Another extreme sanction is that of excommunication or banishment. The entire society sanctions the verdict, enforces it. The spread of the sentence has effects in all the neighbouring regions. In extreme cases, the banned person sees his name appear in disparaging songs hummed by the young women of the village (bringing shame to his family).

In some cases, the dissenter's wife finds herself excluded from the well, from conversations. She will no longer be invited to village ceremonies or is sent away if she does come. She mostly remains isolated (social sanction).

Customary institutions are today, for all of the afore-mentioned reasons, considered to be more efficient in the regulation of land conflicts than the State's Courts. The results of the Land Observatory of Mali (*l'Observatoire du Foncier au Mali*, OFM) show that more than 99% of Land conflicts are resolved at that level. At the centre of these institutions one finds the village council and the family council. Important decisions are taken or examined at that level.

The management of Land Conflicts

What interests us at this stage is the way the access to land is regulated, and the procedures used to resolve conflicts. It appears quite clearly that Land is today a source of conflict. These conflicts are sometimes deadly and do not spare any category of users. They are very violent when they pit village against village. They have been exacerbated by the reduction of space, a consequence of various droughts and degradation of ecosystems, and especially of cultivation practices. Before we can understand these evolutions, it seems necessary to shed light on the traditional modes of conflict resolution.

The most common strategy is the lending of Land. It is generally decided before witnesses or the village council. This practice is today criticized because of its non-written basis and the levity with which it is managed (that is not the case in the circle of Kati where the Land farmed by the people of Samaya has belonged to the village of Djoliba for over 250 years). The customary landlords have often lost to city dwellers who are supported by the dispositions of the Code regulating land ownership which is very favourable to them. Land is often lent for a long time in the rural world (forty years if not more).

The second means of conflict management is the lease of Land. This practice is more or less well understood and does entail some risks (Farika Djamna in Goundam). The third mode consists in the transmission of rights by inheritance. This approach rejects customary law in favour of Islamic law and favours the appropriation of the Land by women (undermining of customary law by Islam). Finally Islam introduced the *tarick* which certifies the purchase or the occupation of an area (in the region of Mopti, Tombouctou and Gao).

This practice has been followed by the establishment of Land records (in the Northern regions). These practices show to what extent traditional

societies are able to open and adapt to externally-induced change.

Regarding the management of conflicts, a great respect towards the conflicting parties can be noted, contrary to what might be expected from traditional societies. During the trials, thorough investigations are launched by the village council, helped in this task by the Imams, the marabouts or the old folks (the wise). The parties to the conflict are heard. The possibility to speak is given to all to explain themselves and develop their positions, usually behind closed doors. The members of the village council, after hearing all the parties and witnesses, take time to deliberate before a decision is reached.

Once a decision is taken, the parties are informed. However the information given to the public is "reworked" to preserve the dignity and honour of the parties - particularly if they are village dignitaries. The chase for Soumangourou Kanté by Soundiata Keïta all the way to the caves of the Koulikouro has shown the respect owed to the defeated, a code of good conduct in case of war.

In practice, the search for truth relies on sworn testimony. The protagonists are asked to behead chicken, to eat earth, before observing other formalities (Dogon country). In Koulikoro, they must swear on the Niana. serious consequences will befall those who have lied or misrepresented the truth (death, loss of a limb, of a family member, permanent drought in the field, dementia, etc.).

In customary law, the judgements leave no room for confusion. There is no need to appeal to other jurisdictions for a new interpretation of the verdict. The resolution of conflicts often calls on allies (kinships) or Islamic scholars (Cadi in Timbuktu). The confusion created by the existence of different degrees of jurisdiction present in modern States does not hold here.

The populations are often baffled by the contradictory judgements emanating from the Courts for the same affair, concerning the same parties. Two verdicts often emerge for a single affair. Upon the announcement of the first decision, the winning party celebrates its victory. And yet, after an appeal has been requested by the defeated party, the second verdict will lean in favour of those who had, at first, been defeated. These reversals bewilder the populations and are blows to the credibility of the legal system.

In customary law, the aim of every judgement is to ensure social, familial and/or community cohesion. Some verdicts are even protected, to prevent the word spreading to rival villages. There is a tendency to rapidly put in place in the village and its surroundings, a system to organise and manage information which could damage the village's reputation (villages where too many familial conflicts occurred are not readily accepted in the case of marriage proposals).

The social values which the local institutions try to protect are:

- › the Spirit of the Ancestors (supreme rule),
- › human dignity (Mogoya-Dambé, Borotareye, honour, given word),

- › community cohesion (public interest),
- › the clauses of social pacts (forfeiting individual or collective sovereignty),
- › regulation locally or between villages (re-emergence of counties).

The concept of Property in Customary law

The whole of African customary law revolves around this concept, mishandled during the colonial period before being acknowledged by a more conciliatory coloniser. In the end we note the acknowledgement of an important cultural value (self-knowledge) .

Before colonial inroads, this concept was paramount and widely understood without ever causing difficulties. The advent of the European concept of “State eminent domain” and that of “vacant and ownerless Land” led to a weakening of the concept of customary property. The conquerors sought the assimilation of the Africans, and thus the negation of their cultural values, which was opposed by the customary chiefs who owned land. Essentially, this concept is based on the idea that the Land is an immovable good. Concretely it appears as “something solid, dense, permanent, durable, intact - it cannot be folded or stretched - the safekeeping of which lies in the hands of the descendants of the Ancestors. They are expected to manage it according to the wishes of the Ancestors and the protecting Spirits who watch over the goods of the members of the family and the village.

This precious good must remain for eternity intact. It has been given to the families to ensure their provider sovereignty and to preserve their human dignity (a starving man or village easily become beggars or slaves). The Land is a good which does not die and is thus “indestructible”. It must necessarily pass through the hands of many generations.

Appropriation is now restricted, [the landlord has no longer got absolute powers of his assets. The powers are restricted but permanent and immortal in control and management. This asset is that of the community, and it is primarily biological, endowed with eternal rights, transmissible for use *ad-eternam*], in accordance to cultural and social clauses.

These rights, immense and dense, are however “ignored” by the authorities, which poses problems and makes you wonder, since more than 80% of the population live within these rights which they know, respect and accept. Even the State eventually acknowledged them, hesitantly at first and now with great conviction (confirmation of the recognition of customary rights, domanial and property law of 1955, 2000, 2002). If it is true that our 12000 or so villages are governed by these laws, how can we ignore them, bypass or attempt to ease them out?

Closer to us, in Samanko in the circle of Kati, the pond had been duly purchased by a hunter originally from Samaya. He negotiated with the people of Samanko who accepted to give him this pond against a slave and his young child. Since then, the people of Samanko remind us that the pond is indeed on their territory, but that its Masters and real managers live in samaya.

The rural world is full of such cases. In Bamba, a grouping of 32 villages of which Déguéré is the main one (circle of Douentza), the traditional authorities have managed the sacred pond since the colonial period.

The mystery seems to originate in a wet dog, which supposedly comes from the forests (bush) in a zone known to be dry. This dog apparently was seen by a local woman as she was coming to gather fire wood. This woman came from the village of Yanda, and had married a man from Bamba. After negotiations, the village of Bamba apparently took control of the pond and conquered its signs of power (there exists a secret alliance between the people of Bamba and Yanda).

In daily life, the distinction between property rights and user rights is strict. In Mopti, the Jowro in charge of the grazing fields, appointed by the emperor Sékou Ahmadou, is indeed the owner of the fields. He allows access every year for the payment of a rent (the total sum has been estimated at more than 200 million francs CFA per year). Access to the Eguirgol is controlled by very strict rules and is very considerate of the aristocratic and familial lineage (rights of precedence).

To avoid conflict between the cattle farmers and other users, the Emperor had put in place a pastoral code (Dina). It was to allow for the peaceful management of natural resources (grass, water, cows and fish). Concretely its purpose was to create the necessary conditions for a peaceful and durable coexistence between the cattle breeders (peulh), the farmers (Bambara, marka) and the fishermen (Bozo).

It is worth noting that in those prestigious times in our history, humans had invented rules for the tiered management of spaces. The same space, depending on the season, was used by different actors, whose activities follow each other during the year depending on water levels. With droughts this model has been severely undermined.

Troubling and anachronistic factors in the Customary property Rights

Human societies have always evolved, either through revolutions, or through daring changes led by leaders who know their people well and control the changes.

Changes are always possible in a durable way when the legitimacy of the leaders is strong and coupled with the free and voluntary participation of the population. This presupposes that such changes truly correspond to their vital needs and to their daily preoccupations.

This explains why it is important to launch important campaigns of communication with community leaders (AIDS, female circumcision, democracy, agriculture orientation law, etc.)

Customary Property Law is an unequal, discriminatory oral law

As long as property law only had to govern simple community relations, in a rural context, its success was assured. As it existed and still exists, customary property law is misunderstood or unfavourably perceived.

ved by the authorities and the growing section of the population referred to as “Landless”.

Phenomena observable for some decades make a revision of the relationships increasingly pressing. These phenomena comprise a soaring demography, successive droughts (expansion of the desert, limited rainfall, destruction of the ecosystem, drying up of ponds, etc.).

Besides, customary law excludes women, strangers and people from inferior casts from property. Yet these are the very people who today represent an important economic and demographic group.

All the rural property laws, barring a few exceptions in the North (Land registers) are oral. After the suppression of the counties, village authorities hesitated for a long time between political necessity and administrative constraints. This reduced their traditional authority. The existence of a State multiple-degree jurisdiction has also diminished their authority.

Worse still, the powers linked to customary Land laws have disappeared or were given up under duress (immatriculation, Islamic rules and practice, elections of chiefs under the First Socialist Republic, concepts such as the eminent right of the State on all the Land, nationalisation of the Land, etc.). We witnessed a regular onslaught on the customs of the Land. However that is where the paradox lays: “the latter resist, hang on and do not want to die.”

Today, we are witnessing an “activation” of these laws, in the face of modern justice’s impotence and the yearly reduction of illiteracy in the rural world. It is said that habits and customs are long lived. They carry possibilities of adaptation, deemed necessary and indispensable and a system of automatic rejection of foreign values when these come into opposition with existing values (immune system). Their power lies in the fact that they existed before the creation of the States.

Efforts to record these customs are today necessary. The populations must participate in all these actions and put forth relevant suggestions. Decentralisation must permit the creation of adapted local regulations accepted by all.

The States of Niger, of Senegal, of Tchad have already associated the universities to their programs of knowledge and management of property issues.

The number of Land conflicts imposes reforms

In 1963, Mali attempted to implement Land and agricultural reforms in the Northern regions, more precisely in the zone of the Faguibine Lake (Goundam). They quite clearly were prepared hastily and caused a deep shock brought about by the clash between African cultural values and of European values. Today all the regions of Mali are plagued with Land conflicts. Everywhere in Mali the “Hunger for Land” is patent. The conflicts end up in a series of twists and turns in the courts. Judgements have often

caused rifts or made cohabitation difficult between communities.

The solutions put forward are each time questioned or not implemented on the ground. Their execution is met with difficulties. These Court rulings are openly contested by the populations who refuse to obey them. The recognition of customary institutions by the political authorities and the State’s bureaucracy has remained cautious in the field.

Political will has remained ambiguous sometimes timorous. The State, confronted with all these questions, is considering the organisation in 2007 of Estates General to allow the different actors, both rural and urban, to exchange views and to find solutions to their problems.

It seems useful and indispensable to “depoliticise” Land management. Every politicised land conflict wreaks havoc among the population and in the national economy.

Democratic values and the Land

Can values such as equality, liberty, and justice be applied to Land ownership? The traditional basis of property gives old folks immense powers, although rarely abusive (gerontocracy). And this while new democratic societies advocate equality among men.

In the rural world, women cannot be landlords, which is actually forbidden to them! Their triple statute is partly responsible for this, resulting from an animist conception of the Earth (tainted being). Arrangement at this level can still be reached, but must be led with courtesy, flexibility and delicacy so as not to distress the population. In traditional management institutions, women are naturally excluded from political power. The woman, being considered a minor, cannot join the grown ups. A woman from Bougouni used to say this: “for a woman to be in the men’s lobby, she must be very solid, very prepared.”

In villages with a strong migration, reality has allowed women a role in the committees managing water or conflicts (Yélimané, Ouani in Bourem). The lack of men has made it necessary for women to take power or at least to fill the void created by the male exodus.

In the traditional management of African towns, the women and the young were absent. Democracy was the preserve of men only, as chosen by the village. However the decisions were neither imposed nor forced. The will of all was required. The objective embodied in the leaders was the interest of the community.

The introduction of democratic principles has been quite a shock notably among the Tamasheq. The chiefs of tribes and groups are implementing smart, intelligent models. In the region of Sikasso, a form of co-management incorporating newcomers in the management of barrages and drilling has allowed the implementation of egalitarian rules for sharing thanks to encouragements from the State, of NGOs and of the CMDT.

Conclusion

Customary property laws, despite having suffered from actions tending to weaken them, remain lively and are supported by more than 80% of the population – who recognise themselves in it. Their resilience is due to their capacity for adaptation and to the intelligence of their keepers. Their destruction should not be sought at all costs, and the aim should rather be to adapt them, as much as possible, to new necessities and realities. Before that, it will be necessary to identify them by communes or by homogeneous agro-ecological zones.

The contribution of researchers, of academics, of agricultural organisations is actively sought in the quest for new solutions. Changes only have effects when they are accepted by the relevant actors, and when they are organised around concrete and patent interests. Local institutions need to be rehabilitated and reinforced in the way their powers have been re-framed.

Democratic principles must be introduced progressively, not too swiftly or violently. “One must know how to enter the future backwards, or how to walk while looking in the rearview mirror.” And this to avoid fatal accidents with irreversible consequences. May God preserve us from them!

Questions and debates

Probing and debates facilitated by S.M le OUIDI NAABA and Ousmane SY, and contributions from the floor.

Questions from S.M. the Ouidi Naaba

This theme is of concern to me on two counts. I am the Ouidi Naaba Karfo, most senior member of the Moro Naaba court in Ougadougou in the kingdom of Ougadougou and since 2002, I have held the presidency of the National Ethics committee of Burkina Faso, a Burkinabe state institution³². I consider myself therefore to be both an external institutional observer and a participant according to the terms of the conference. The president of the National Ethics Committee of Burkina Faso offers you the friendly and brotherly good wishes of his institution and the Ouidi Naaba Karfo, most senior member of the court, brings you the encouragement and blessings of his Majesty, Moro Naaba Baongo, President of the Superior Council of customary and traditional Chieftainship of Burkina Faso.

The notion of public goods has always existed in our society. It is linked to the ecological management of public spaces, to all sorts of regulations, to the periodicity of activities involving our shared inheritance: the management of water and forest, fishing, hunting and grazing rights, and the management of agricultural zones. For the National Ethics Committee, citizenship is a major part of general education at all levels, and in particular it should help us to show the path to salvation to young generations who would have much to gain from contacts with elders and wise men who wish only to guide them. As far as the lectures are concerned, I agree with the Imam: religion in Africa has never been a source of division. We can recall the story of how Moro Naaba became a Muslim: a pilgrim from Mecca was received by a member of Moro Naaba's family, who was then converted.

(32) The national ethics committee of Burkina Faso is composed of nine members: three customary and religious figures of authority, three representatives of the state control and mediation body, and three people considered to have high moral standing with recognised abilities, nominated by the head of state. Its purpose is clear: above all, the National Ethics committee is an observatory of the Burkinabe society; secondly, it assures the preservation of secular and republican values on the moral, cultural and human level; finally, the National Ethics Committees is charged with making suggestions concerning the ways in which citizenship and the moral nature of public and social life can be preserved. Therefore, using African values as their base, the objective of the Committee is to give a moral meaning to social life and to search for references which can lead to the effective management of the country.

As far as the management of public goods is concerned, you only made reference to Islam. But, for those who are not muslim, how has the management of common goods been handled (I prefer to use the expression 'common goods' rather than 'public goods')?

El Hadj Mahmoud Dicko: "public goods were entrusted to the inhabitants of the earth, including those who are not muslim".

(Continuation of the lecture by S.M. the Ouidi Naaba): concerning the lecture by Jean-Pierre Olivier de Sardan, I think that you took pleasure in demonizing traditional chieftaincy. As president of the Ethics Committee, the management of public goods is something that I know well: it means being at the service of everyone, not letting yourself be influenced by religion or by anyone's ethnic group. We understood early on the importance of keeping a certain degree of autonomy in our organisation in numerous domains. The management of public goods was accepted by the people. And today we are looking for a way out of the problems. What has the State of Niger done to sort itself out?

Raufu Mustapha: "It seems to me that the Chieftaincy that Jean-Pierre Olivier de Sardan evokes was actually the one that came before the colonial period. Is this a correct reading?"

Jean-Pierre Olivier de Sardan: "The difference between pre-colonial Chieftaincy and what that Chieftaincy became during colonisation is as follows: in colonial administrative Chieftaincy, the chief was accountable to the coloniser, and no longer to the people; no opposition of any sort was permitted. The commander of the circle had the power to send the chief to prison. We are informed of these facts not by the chiefs themselves, but by the villagers, witnesses of that dependency relationship between the chiefs and colonisers.

(Continuation and termination of the lecture by S.M. le Ouidi Naaba) Concerning the lecture by Ousmane Traoré: for everyone, the land is sacred by definition. It is not a commodity. Therefore, all the attempted reforms in Burkina and elsewhere which have not taken the native owners into account have been a total failure. Mysticism is important for everyone, we are looking for a fair approach to land ownership, without excluding due regard for all values.

Moussa Keita: If we take the example of the management of public affairs at the level of the Mande: public goods were considered sacred during the Mande period: they were made up of the efforts of the living but also of the dead. All the family components had to do with public estate. The sacred character of public estates prevented any attempts to own public estates: I can pocket public goods, and then protect myself from the living, but the dead will always catch up with me. He who manages public goods, hence sacred, is watched by the dead, by the Ancestors".

Ousmane Traoré: "What has given value to our habits and customs, is education through prohibition. At the Land Observatory where I worked we tried to understand the reasons for these bans. Why are we not allowed, for example, to fish by night? Because the fish swim too deep; because if you fall in the water we will not be able to see you. Why are you not allowed to kill an animal in town during the night? Because we only kill in the bush and only at the beginning of the season. There are very good and very precise justifications for customary interdictions".

Questions by Ousmane Sy:

When I read the three texts that were presented today, I was looking for the idea of responsibility. I would like to question the three speakers on this question: can one manage goods without being responsible? Is what we call public goods today perceived by the people as common goods for which they are responsible?

Ntji Idriss Mariko: "I think that it's important not to forget the behaviour of leaders towards the goods that they manage. We know that when someone is a minister in Mali, we tell him: "don't leave with empty hands". It is rare that someone is taken to task for corruption. Setting up control mechanisms is not going to change anything."

Jean-Pierre Olivier de Sardan: "The peasantry knows very well that the political elite is getting fat on their back". The people know these mechanisms very well".

Ousmane Traoré: "Regarding corruption: I was myself a judge. When people come to you to be judged, they are convinced that they should bring you money. If the judge refuses, they lose faith in him and are then pessimistic about the way the judgment will turn out."

Emmanuel Ahlinvi: "Without wanting to idealise the African past, there are a certain number of practices in our society which brought stability. In the kingdom of Benin, for example, an official who managed a part of public goods never touched public money in order to marry off his daughter. If necessary, he would take a loan. Today's elites' attitude is calamitous."

(Continuation and termination of the lecture by Ousmane Sy): I am in agreement with Jean-Pierre Olivier de Sardan when he says that post colonial administration is worse than colonial administration. The local officials act as if they are commanders. When we changed the title of governor to the high commissioner, no sooner our backs were turned than people began calling him governor again. One of the major sticking points today in our administration is that the post colonial era drags on, so it remains a continuation of colonial administration but worse.

As far as land is concerned, the question of reform is a recurring one. The question of the coexistence of customary law, and state law is always a difficult one. We have not managed to adapt because we haven't gone deep enough into the question of legal pluralism.

Richard Toé: "In the Mande constitution, article 129 deals with the question of land: land cannot be refused to anyone, and it is very important, because a country cannot construct itself without land security, especially with all these young people who only want to work."

Bonnie Campbell: "Public goods". "Common goods". "Public services". Each of these notions must be put into context. As far as the term "public good" is concerned, the World Bank definitions are based on the logic of donors. In choosing this term without a reflection on the increased scarcity of services, the danger is that we transform the term "public good" into "public service". This raises the question of the way in which the state is no longer held accountable".

Jean-Pierre Olivier de Sardan: "Donors have introduced "developmentalist" governance into our country: the setting up of "village associations" is a good illustration of this. And yet, if development aid is considered an external income which arrives and is distributed, most of the behaviour is aimed at being a beneficiary. It is necessary to be aware of the perverse effects that the public aid manna has on development. There is a strong tendency for Africa's leaders to consider that what works is what others bring from the outside. Political leaders respond much more to calls from outside the country than to those from within given that they draw so much more legitimacy from them".

Commentary and synthesis

By Mohamed Larbi Bouguerra

Mr. Olivier de Sardan, you have drawn a rich longitudinal portrait of the forms of governance and management of public goods and you have provided a fine illustration of the polysemic term "governance" which evokes participation, consultation and democracy and which I know most notably in the domain of water governance. But the governance of water is very diverse and any generalisation fraught with difficulty. When you speak about land law, I would like to remind you that, in many regions of the world, ownership of land and water do not necessarily go together. In many regions of Morocco, in certain Saharan oasis, we may well inherit a water tower but not the land that the water is going to irrigate. And vice versa!

You quite rightly invoke the contempt of users, the corruption of judges, the haughtiness and scorn, with the example of the nurse who snubs the sick. That situation is not unique to Sub-Saharan Africa. It is common currency in the Maghreb, and in the Arab world, and sometimes we even see it in banks and private businesses! ...and I would like to ask, why the trend begun by colonialism has run out of control? And yet there were many good years of "purity" in some parts, just after independence in Morocco and Tunisia for example. This said, I am nonetheless conscious that the past may hold many solutions, but is it not generally idealised? And it is that idealised image which is more often put forward. This is now the case in Tunisia concerning the long Bourguiba era. People have a tendency to forget that Bourguiba allowed torture to take place in the police stations, that he has always covered up for the police, that he bullied the press and the opposition and that he proclaimed himself "president for life" through the National Assembly in 1975. But, to express their rejection of current tunisian leaders, people extol the virtues of the Bourguiba regime.

You spoke about "despotic governance" because traditional mediation disappeared and was replaced by the clientele of single parties, which monopolised power and sinecures. You say that "one cannot reform from the outside". And yet, it is no less the case that the role of exiles, articles in the foreign press, the opinion of NGOs such as *Transparency International* for example, can make even local despots bend to their will. What is more, I would like to mention that in Tunisia for example, much is done to avoid

the dissatisfaction of consumer-users, the President intervenes himself concerning the price of cars, the supply of eggs, milk etc. during Ramadan. Is this to avoid dissatisfaction leading to riots, to avoid social unrest? It is clear that no regime can dispense with a pacified people even if this requires both the carrot and the stick (see the book by B.Hibou *La force de l'obéissance*, éd. La Découverte, Paris, 2006).

Mr.El Hadj Mahmoud Dicko, you are right, there is not a typical Islamic state in Mali, but we must not forget however, the Abbasid and Umayyad Caliphates nor Andalusia. Whats more, we must distinguish between the Koran – the word of God revealed to the prophet and Charia law, the very human interpretation of the Koranic core and for which there are at least four codes (for the four rites in Islam).

The Koranic text is very explicit concerning democracy: “Let them debate their own business” (spontaneous personal translation). That is the famous *chourâa* (Consultation) which we hear much less about in the West than we do the *charia* (stoning, cutting the thief’s hand ...).

This Koranic verse is actually displayed in very visible, very beautiful calligraphy in the Palestinian parliament (let’s not forget that there are also some Palestinian Christians) and that the last Palestinian elections were recognised as being both honest and sincere by all foreign observers (such as the Jimmy Carter Foundation for example). But this same phrase has been interpreted as a simple allegiance to the caliph, to the emir, to the prince.. in the classical period and to this day, the King of Arabia, and King of morocco..., when acceding to the throne, receives the allegiance of people in positions of authority. Arabia has only recently deigned to create a chamber of nominated advisors, a chamber which remains without any real power. A cosmetic adjustment! Let us finally keep in mind that for many theologians and exegetes of the Quran, there can be no king in Islam! Under this verse, we can register the fabulous election results of the arab world: in Egypt in 1993, Moubarak won his third mandate with 96.3% of the vote and his fourth victory in 1999 with the feeble score of 93.79%; in 1993, Saddam Hussein renewed his mandate with 99.96% of the vote; in 1999, El Assad of Syria won a “devastating victory” (Official Agency, SANA) with 99.87% of the vote. As far as Mahmoud Abbas (Palestine) is concerned, he was elected President with 62.3% of the vote.

As far as common goods are concerned, the Hadith teaches that “pastures, water and fire” are common goods, but there are also rules about their usage and a very precise codification as the prophet’s *sira* shows (for pastures, one must ensure that there are no owners, for water, one can only quench one’s thirst, but rights are given to those who dig wells, to those who take care of them...).

You raise the question of the *zakat*, obligatory donation, destined for the Beit El Mel (Public Treasury) but in modern states, does tax not take the place of the *zakat*? I am inclined to think so. I note that in muslim states following independence, the state nationalised the *nabous* (goods of the

dead) intended for the upkeep of religious places, for widows, orphans, students... and it’s meeting these missions as best it can in place of *habou* donors.

You raise the question of schooling, education, another common good. It is useful to remind ourselves here that in this spirit, the prophet continuously encouraged people: “To look for science even in China” and that “the ink of the learned is more agreeable to God than the blood of the martyr”.

I very much appreciated Mr. Ousmane Traoré’s lecture and I nonetheless have some remarks to make. When you say that “land is owned by he who works it”, we are in agreement, but when you say “my wells that I dig...”, yes, but, in all cultures we do not refuse water to he who passes by, to the stranger, or to the thirsty no matter who he is. See Victor Hugo, evoking the Peninsular war and the injured enemy who asks for water: “Give him something to drink nonetheless, said my father”. Water is the vital irreplaceable product and it is a common bond with all humanity, with all that lives. Joseph Ki-Zerbo also showed the importance of offering water to the stranger in Africa.

Fishing at night, the ban on hunting the animal which crosses the villages...These are the principles of sustainable development put into practice since the dawn of times by Africans, long before Ms. Bruntland or the Rio Summit. We can also give the example of the whale on the Ebrie lagoon in the Ivory Coast.

I agree with you about the role of myths and its importance in explaining the world, and above all encouraging a rational usage of resources.

When you say that intellectuals have thrown in the towel, are you not a little too pessimistic? Of course, there is the *brain drain* but when nepotism and lawlessness prevail, what can you do?

“Manage the water, the land and the cow” yes but “water has become a disenchanted resource” said Weber because divested of its “not for sale” quality it became a fictitious good: no price can be put on it. In his major work, *Oriental Despotism* (1964), Karl Wittfogel shows hydraulic planning and the management of vast irrigated areas are necessarily associated with the emergence of a centralised and despotic government based on a hydraulic bureaucracy. The author takes the view that this regulation is a necessity: central government must affirm and impose rules concerning its use on the community of users. Specialists, of course, do not share this point of view. But archaeologists (have found) in Egypt the nilometre (which allowed to measure the flooding of the Nile and fix the base rate to tax the harvest) and in China the emperor convicted of “bad governance” with respects to water was thrown out or killed, in Mesopotamia..

You have shown however that there is a time for building a collective organisation of the “social organisational fabric”, a long time interspersed with the construction of the public administrations (Jeanne Riaux). There is time for the concrete practice of management, irrigation, the resolution of conflict (the water tribunal in Valencia, the *chikawa* in Morocco

according to Jacques Berque...). This time, made of a succession of “moments” is what public logic and community logic articulate themselves around via specific decisions. The build-up of this decision-making gradually alters modes of organisation of each party involved, until they come together as one. This is what Jeanne Riaux calls the “time of governance”: the changes made in the short term have repercussions on the long term. There is also the time for public action, for the development program in the short and the long term.

Of course, Africa is in favour of sustainable development and the protection of public goods. But, warns professor Kader Asmal, former minister of Hydraulic Resources in President Mandela’s government, beware: That protection should not be waved in the face of developing countries in order to block their development while the United States for example has already eradicated the buffalo (for the fertilizer taken from their bones and to subjugate the American Indians) and has not signed the Kyoto protocol.

part three

The accountability of power

Who must be accountable and to whom? To whom are power holders accountable: to a supranational authority or to their own people? At a time when international organisations have become the principal bodies to whom one must explain one’s actions, how can we re-discover the accountability mechanisms which lie at the heart of West-African political traditions? The principles of transparency and accountability are at the centre of classical conceptions of “good governance”. Where does corruption come in, in a society that is fundamentally communitarian?

The conference explored the question of these different levels of “allegiance” and control which an elected representative participates in: accountability to sponsors from international funds, accountability towards national populations but also responsibility to the group, the ethnic group or their own community. It attempted to evaluate the importance of these different levels, to analyse their complementarity but also their incompatibility, bringing out the relationships that can exist between the different powers defined by formal institutions from the angle of power praxis and representation. It also sought to figure under the circumstances what role should be played by the judiciary, especially given the major difficulties it experiences in taking its rank as guarantor of the institutions of the State on the continent.

The accountability of power: a traditional chief's point of view

*Lecture by Mahmoud Karamogo Bamba
delivered in conversation with Richard Toe*

Preliminary remarks from the editors: the Kouroukanfouga charter on which this interview begins, is the charter which brought together, in 1235 under Soundiata Keita, the first emperor of Mali, all the chiefs of the provinces of the Malian empire, to agree upon the rules of management for their territory, and which is mentioned in the introduction. Participants' attention had been drawn to this charter following a visit, on the first day of the conference to the actual place, in the South of Bamako, where the constitution was proclaimed nearly eight centuries ago.

Richard Toé : Master, on the basis of the Kouroukanfouga Charter, what does the tradition say about the accountability of leaders, or what we call *kunnayali, wala komaségi* in bambara?

Master Bamba: Within the tradition in general and in Mandé in particular, being accountable is an obligation; it's the foundation of the trust and what ensures the democratic functioning of traditional institutions. The honour of the leader, elected to be the head of his country, is to report back to his people ; and the people must also report back to him. One of the principles linked to the exercise of responsibility and power, and to every mission, is the idea of accountability. The chief is accountable to the people just as the people are accountable to the chief. Article 129 of the Mandén charter which pertains to the Mandén kolanonkorognonya (the concept of Mandén governance founded in "consultation") shows the importance of this principle: *Koagnokorognonya is a concept which makes it an obligation to make known, to account for all actions taken concerning the governance of the city and of the country. (translation of the Mandén Charter according to Soulemana Kanté in its N'ko written version)*³³.

The suddenness of the 18 November 1968 coup (overthrowing the

[33] Rough translation into French of Article 129 of the Kouroukanfouga Charter by Richard Toe.

President of Mali, Modibo Keita) surprised many Malians. The military was supposed to give an explanation to the people but this never happened; consequently, the people believed that the military did not take them into consideration, despite the fact that there is nothing better for a people than to be well informed. Each man has a bank of knowledge that should not be overlooked. We avoid accounting for ourselves because we know that we have done wrong.

Today, in Africa, nominations do not follow the rules because the chiefs are not “white” (metaphorically speaking). They keep nominating people who can cover up for them; in principle, however, it’s the chief who should set a good example by giving an assessment of his mission in terms of “planned” “completed” or “not completed”. This would allow the newly elected representatives to know where to start and give the people the possibility to compare two terms of office by the end of the second.

In the Mandé, succession to the throne was on a hereditary basis just as with the mossis (Naaba case) all the princes had access to power (Kéita, Konaté, Ouédraogo, Sylla, Cissé etc): but this was based on the law of primogeniture. Consequently, all boys were educated with this in mind from a very young age until adulthood (an education which included moral standards, integrity, courage, among other attributes which were put to the test); they were considered ready to exercise power as soon as they fulfilled these conditions. Following the death of his father, Soundiata Keita was the prince recommended by the seers to take over the throne in place of Dankarantouma, his elder brother. But the elders rejected this possibility because they could not answer for such a breach of primogeniture. They are accountable to the people and would not have known what explanation to give for this breach. (The son of Sogolon Koné (Soundiata) was paralysed in both his legs. In due course, history proved the seers right: the older brother was driven out by the emperor of Sosso Soumaoro Kanté who took refuge on the edges of the forest in Kissidougou (Guinea Conakry).

If the chief, or the person in charge, knows that he must be accountable, he will work well and he will change his mind when he is tempted to do wrong. He will always be prepared for this. If there is no accounting for anything, that means that the principle of a “Government of the people, by the people, for the people” is false.

Ever since Modibo Keita, there has never been accountability in this country. The absence of this accountability means that we fear explanations. This is the case of someone in a position of power who embezzled 100.000 francs under Modibo; he committed suicide because he knew that we were going to ask him to be accountable for his actions. Accounting for oneself is mandatory but nobody wants to know today in Mali.

We speak of democracy but in reality it does not exist. What does exist is democracy imported from abroad. Malian democracy no longer exists. This democracy is not one of equality between men and women. We must not just do like the rest. What cannot work in our country should

be named and it should be clear that we are in charge of our own management and our own destiny. Under the pretext of cultivating their freedom, the young generation is left to its own devices, there are no more limits, even though ‘your freedom always stops where the freedom of others begins’. The results are obvious today. Our cultural values are flouted; we no longer speak, for example, of young women’s virginity until marriage. Aids and sexually transmitted diseases are decimating our towns and villages. The country is losing its dignity. And all this is the work of our “intellectuals” (mainly those who went to French schools) who are helping to sabotage our customs and our ways of life.

Richard Toé: Master, please tell us about the dignity of our country.

Master Bamba: It’s really very difficult, as you know “the fish rots from the head down”; if those in positions of power are not good then nothing else can be good. I don’t know how you say that in French but it’s as if you asked a peulh to free his cattle; it is the end of enclosures, much to the advantage of the thief.

Every man is accountable to the city, the polis, to society, and to the country in general. His dignity is injured by taking away some of his responsibilities, by confiscating some of his liberties, the running of his own family for example - this is in no way the business of the village chief who has constraints of his own - he is the guarantor of this own family. If his family is ruined through his own doing, he alone is responsible. He is accountable to his own family, and his own family is accountable to him. We cannot understand this other type of freedom. It is divisive. When a “flock” is divided the wild beast is able to catch what ever it wants. It is the peulh shepherd who knows where his flock must go. If you separate him from his flock, it means that it will be exposed to thieves and predators.

The family is the starting point, moulding social habits: to weaken or destroy it compromises all the other values and principles, accountability included.

I don’t think anybody would want to dress an American, a Chinese, a German and a pygmy in the same way. People are never as ignorant as we believe them to be. The management of people is a fine art, a science, which requires real know-how. This is why one of our ancestors said: “one can lead a herd of one hundred cows with just one staff; but in order to manage one hundred people, you need one hundred of these staffs”³⁴. Democracy today does not conform to our reality. It creates many problems for us. Africa is distracted because it tries to imitate others. The day when it recognises its own values, it will suffer less.

All the misunderstandings which exist today in the countries, result from the fact that those in power do not speak the same language as those

[34] The staff signifies the necessity to take into account the complexity of human administration/management.

who are governed by it. Between the elite, educated in French schools, and the rest of the population, the question of language is a huge obstacle to the realisation of the principle of accountability. For example, during the referendum³⁵ in the run-up to independence here in Sudan, all the young people wanted the country to vote 'no'; those in power, however, and the elders advocated the 'yes' vote. The coloniser, along with the coastal countries had hatched up a plot against us (the French Sudanese); because the debate took place in French, the information, which should have been given in the local language, did not go beyond the small circle of those in power.

Most of the information in our country is given in French, so how can people begin to engage with debates, with decision-making concerning their daily lives? Without mutual understanding between the administration and those under the administration, nothing can work. How is accountability experienced? We are not a herd of cows but, doesn't even the drover have an understanding with his animals? This explains the number of coups taking place in Africa without any reaction from the African people. The people are *de facto* excluded; they do not participate in the functioning of the state or its institutions.

In the old days, power was a question of dignity, of moral standards, of what would be said tomorrow. It was never linked to "economic power". The true power is in fact linked to the higher conception that we have of "Tigiya"³⁶. This is the example of a case in the town of Sikaso where, as well as an 'administrative' village chief, there was also a 'customary' chief: quite simply because the people did not trust the whites. The customary chief was a genuine traditional authority; the 'Dugutigi' village chief is like a protection for the village; he is the last bastion of the village. An old saying says: "If you see the chief of the village being dragged away by floodwaters, that's because there is nothing left in the village".

Things are connected, speaking of democracy: if democracy is the sun, its rays should not miss out any village because it is small in size. In fact, this democracy only suits its founders. This is why, during the National Conference of Mali, we asked that the number of political parties be reduced; today, we can count more than one hundred. If we look closely at their programmes we see that they are all the same, with only a few exceptions. As you can see, anything goes. This is why the people do not follow, and no longer have faith in their leaders, where is accountability in all this?

If we must change one thing everywhere in the world, it's the harnessing of tradition with modernity towards ensuring development. It is not a

question of kingdom, or republic. It is quite simply a question of leadership, of Tigiya, which automatically takes us back to the idea of accountability.

The chief must be able to earn the trust of the others, and above all to convince them; he must be like a *Wague*, a Spirit (with absolute integrity) who, each morning, would make sure he had not hurt anybody. He gets involved in bad business only by mistake, he doesn't steal, nor cheat and he does not lie. It is as if the country already belonged to him, and that he therefore had no need to steal it. We can give the example of President Modibo Keita: no one can affirm that they saw a villa in his name. He was guided by the management of goods of our ancestors. He governed the country as part of his heritage. This is also the case of Ahmed Sekou Touré of Guinea Conakry.

Power is above everything. He who exerts it is in the service of his people and the people must recognise this. He is the window of his country. Without him nothing works and without the people he is nothing.

[35] It was only in 2006 that, on the occasion of the 46th anniversary of Mali's independence that the national radio gave a transmission of the translation in the national language, bambara, of the speech given by President Modibo Keita on the 22nd September 1960. (The translation was done by Jean Marie Kone, a well known figure of the first regime). The Malians heard and understood why there had been a 'yes', instead of the 'no' vote that everyone, including the young people, were expecting in the referendum in 1958.

[36] The Tigiya, a strong concept linked to responsibility. Tigi="ownership", Tigiya=a high degree of responsibility.

Mandén Constitutional Arrangements

[Source: "Quatre mille ans d'histoire du Mandén" by Soulemane Kanté, October 1992 edition, Baba Janè, Cairo.]

Article 129 of the Mandén constitution: Mandén kolagnonkorognoya: Kolagnokorognoya is a concept which obliges one to make known and to give account of acts concerning the governance of the city and the country at the relevant level using a system of meetings and circulation of information. "Manden governance is based on consultation".

Soundiata declares that communication, exchanges of view as well as the circulation of information are of paramount interest for any nation. It is necessary that all the Manden inhabitants be kept informed of essential information: the regions (kafobolonw), the chiefdoms, the large and small villages must all be in permanent contact.

In order to conveniently organise the circulation and management of information, exchanges of views on minor questions were established at "gnon ye", ordinary meetings between people of the same family, the head of the family and members of the family, between husband and wife, between father and children, between children, between wives, as well as between the stranger and his landlord, between close families, between families of the same area at the local chief's house.

The exchanges of views on questions of medium importance take place in the framework of assemblies (ladiè wala ladè) between people of the same village, at the level of the head of clan with the "village chief"; within an age group with the "kari chief", between adults with their chief also, between religious men with the Imam.

Exchanges of views on major questions took place at meetings (gnongonbèn) within a Kafo (state) between the different traditional institutions, such as the council of the Wise at kafobolonw level, the hunters' body, etc.

The exchange of views on questions of federal importance took place at the annual session of the federal assembly at Nianiba, (today in Guinea) where the representatives of all the kafobolonw and kafo would meet with the Emperor himself.

Integrating traditional authorities in systems of democratic governance: the challenge of reforming duality

Lecture by Kwesi Jonah

Introduction

Since the early 1990s when African countries became engaged with the global trend to affirm democratic governance two distinct perspectives on participation have crystallized. On the one hand, those who subscribe to democratic universalism contend that a set of universal values of democratic governance exists to which all nations can subscribe, regardless of cultural differences. The adherents of cultural relativism, on the other hand, emphasise the complexity of cultural diversity in global society, which requires there to be substantial local flexibility in the form, content and pace of development of democratic governance in different countries of the world.

Without wasting time on the palpable danger of false dichotomy inherent in these perspectives, it must rather be pointed out that a genuine cross-fertilization of western and African variants of governance is possible, but only if accompanied by an urgent, profound and lasting commitment to the reform of ingrained African traditional rules and norms.

Institutional dualism

Since colonial times, when a policy of manipulation of African traditional law to serve imperial purposes was introduced, there has been a dualism in African systems of government. The traditional political systems have operated side by side with the modern political system without a profound and lasting transformation of one another. Chiefs were created where none had previously existed and traditional law as a whole was

reduced to a mere agent of colonial rule. Pre-colonial sovereignty was gone and with it much of the popular respect, deference and dignity chiefs had enjoyed.

The cost in terms of traditional democratic governance was disastrous. The Chief's accountability to the people, the foundational underpinning of the traditional political system, was replaced by the chiefs' accountability to government. Popular discontent took the form of dethroning or summary removal of chiefs in the 1940s, just as the nationalist struggle for political independence in Ghana began. The principle of African traditional authority, become subservient to colonial despotism, became alien to traditional democratic governance.

The fate of chiefs in post-colonial Africa has not altogether been positive. The loss of sovereignty and the disappearance of chiefs' accountability to their subjects was combined with the image of colonial 'collaborators', recalling the attitude of colonial governments towards chiefs.

In some French and Portuguese speaking African countries the institution was either abolished or stripped of its political authority. Where the institution was not abolished, its fate ranged from a semblance of autonomy to that of an instrument of central government. In Ghana, the populist government of Kwame Nkrumah reduced chiefs to passive appendages of central government.

Functions of chieftaincy today

Under the current democratic dispensation, traditional rulers enjoy a respectable autonomy under democratic constitutions. In Ghana this autonomy has been in existence since the end of the Nkrumah era in 1966. Under Ghana's present democratic political regime, chiefs perform both non-statutory and statutory functions. Non-statutory functions include all pre-colonial functions apart from military ones, which were carried out even under colonisation. Among these are the settlement of civil disputes, arbitration and reconciliation. There are, in addition, ritual functions through which chiefs invoke the blessings of prosperity on their subjects. They further organize different kinds of festivals and serve as the link between their communities and central government.

The statutory functions of chiefs include all those roles defined in the constitution and laws of the country. In Ghana these functions are executed through chieftaincy institutions enshrined in the constitution, ranging from the traditional council at the local level through to the regional chambers of chiefs and the National Chamber of Chiefs, which is at the very apex of statutory chieftaincy institutions. The two key functions are the speedy settlement of chieftaincy disputes, the compilation of customary laws and rules of succession applicable to the chieftaincy.

Attitudes towards chieftaincy

A critical determinant of the role of traditional rule and its values in governance is the attitude of the people towards the institution. The reconstruction of the democratic political systems in Ghana during the 1960's involved the gathering of popular views on all subjects relevant to the formulation of a new constitution. Presentations made to the constitutional commission chaired by Justice Akufo-Addo revealed two broadly opposed attitudes towards chieftaincy in Ghana.

The first was that the chief should be restored to his position prior to colonisation when he had performed political, administrative, executive, military, cultural and spiritual functions. Opposed to this is the second attitude, according to which chieftaincy should be eliminated from Ghana's political and administrative system.

More current research has unearthed a much stronger support for the institution of chieftaincy than was apparent in the report of the late 1960s constitutional commission. The key indicators of this support in recent research have been identified as follows : perceived importance of chieftaincy roles; respect for chiefs; people's personal esteem for chiefs; government recognition of chiefs; chiefs' contribution to national unity.

It was discovered in the research that no fewer than 77.4 per cent of Ghanaians today find some of the key roles of chieftaincy relevant, as the table below clearly shows.

Role	Yes %	No %
Embodiment of Culture	95	3.9
Spokesman for his people	90.3	8.6
Making customary laws	88.3	11.5
Maintenance of Law & Order	88.2	11.6
Conflict management	86.5	13.3
Arbitration	85.2	14.7
State Rituals	84.0	15.8
Contribution to the prosperity of the community	80.6	19.0

Source: L Abotchie, A Awedoba, I.K. Odotei et al. in Irene Odotei and Albert Awedoba (Ed) *sub Saharan Publishers Accra 2006* P.109

A more contentious issue has to do with the degree of respect the institution of chieftaincy still commands among the people of Ghana. It was discovered that in spite of the changing fortunes of the institution throughout the country's history, a significant proportion of the people, some 56 per cent,

felt that chiefs were still held in esteem, while 44 per cent did not think so.

The response was very different when it came to personal esteem for chiefs. No fewer than 73.7 per cent of respondents reported that they loved their chiefs while 9.3 per cent disagreed. The rest were either not sure or could not respond.

A tricky issue in Ghanaian politics since colonial times has been the power of government to recognize chiefs or withdraw that recognition. Reform in post-colonial Ghana has responded to this problem by devolving the responsibility on to regional and national chambers of chiefs which are the recognized formal institutions of the chiefs themselves. Surprisingly some 59 per cent of respondents felt that government giving official recognition to chiefs was necessary while 32.3 per cent felt such official recognition was not needed.

One of the snares of the institution of chieftaincy in Ghana is the prevalence of chieftaincy disputes in every nook and cranny of the country. About 50 per cent of respondents reported having chieftaincy disputes in their localities while about 41 per cent reported having no disputes.

In spite of this, some 48.1 per cent of respondents strongly agreed that chiefs were a unifying factor among their people, another 33.9 per cent agreed, and only 7.1 per cent disagreed and 2.0 strongly disagreed.

The reform imperative

Given the considerable support traditional law enjoys among the people, it is amazing that no serious reform initiative has been undertaken to make it compatible with the requirements of modern democratic governance. Since civil democratic politics was re-introduced in Ghana in 1992, the modern political system has been undergoing sustained reform. First, a liberal democratic constitution was promulgated in 1992; a credible multi-party political system was established; an independent electoral Commission has been operating effectively for fourteen years; the electoral process has been reformed constantly at the request of political parties; a functioning Parliament has been operating since 1993; an independent judiciary has been dispensing justice without fear or favouritism; a decentralized local government system has been promoting democracy and development at the local level since 1988/89. Finally, an increasingly confident civil society is staking a legitimate claim to a role in the political arena.

What is to be done?

To bring traditional political institutions in line with modern democratic governance, traditional democratic values of accountability, transparency and the rule of law would have to be studied, reviewed and refined

to bring them in line with modern governance. Years of subordination to colonial and post-colonial governments, loss of sovereignty, accountability and dignity have disoriented and even deformed traditional democratic institutions. The task now is to go back to history in order to research and refine them.

Bringing traditional political institutions into modern governance could take several forms.

Institutional: bringing traditional rulers formally into local governance institutions in an advisory role to regional governments or administration, or constituting them into a second chamber of Parliament or of the National Assemblies

Introducing additional modern qualifications appropriate to playing new governance roles e.g. educational qualifications.

Reforming the rules and regulations regarding succession and removal from power to give a greater voice to the people. Developing more transparent procedures, codifying customary laws and traditions.

African societies are now at a crossroads in the development of democratic governance. They face an unprecedented opportunity to make their own unique contribution to democratic governance by injecting the values of traditional democracy into the modern political system. What appears prerequisite today is to pursue the traditional political system reforms that would make it more suited to modern governance.

Of power in the former wolof kingdoms of Senegal, from its origins until the eighteenth century

Intervention by Mamadou Badji

Research in the social sciences is embracing more and more innovative concepts, or quite simply, it is revisiting old ones. Some of these are not of Anglo-Saxon origin, such as the concept of “governance”, which puts the emphasis on a managerial conception of reform and changes in a state, focusing not on its economic role, but on the way in which it carries out its functions, its capacities to regulate and to instigate, as well as its ability to manage society.

If, for a long time, it has been a purely economic interpretation of this concept that has predominated and given rise to a series of reforms, this notion has also shown its limits: “governance” suggests the idea that one can, without transforming the state, undertake reforms that become performance indicators for the management of public affairs, useful tools for running the state or the administration. From this perspective, innovation is no longer found in the reforms themselves, as a means of altering the role of the State, but in the art of steering the state or the administration.

In Africa, the concept of governance has a certain appeal: it has become a recurrent theme in the debates on the management of the African State. Not only is it of interest in examining the scope of the Rule of Law³⁷, but also it inspires a proper intellectual curiosity, leading specialists in political science³⁸ to construct new paradigms. It is in this sense that one must interpret the aim of this study. Its object, however, is modest: to reflect on one aspect of governance in Africa, that of power ‘accountability’ - understood as the efficient, honest, equitable and transparent exercise of power

⁽³⁷⁾ Rule of Law implies the submission of both the rulers and the ruled to the law, to higher regulations, and self-limitation of the State by the Law

⁽³⁸⁾ In their analyses, political scientists mostly propose a managerial approach to reforms and changes to the state: it is no longer the economic role of the State which is decisive, but the art of running the state or the administration, of directing the different components and structures in order to optimise their returns and their efficacy.

by the various components and structures of the state or administration, which are accountable for their actions.

The main issue concerning the “accountability” of power is determined by the answers given to the following two questions: firstly, how is the state structured and how do the different structures relate to one another; and, secondly, what are the mechanisms of ‘accountability’ used by those who hold the power? To whom are they accountable: to a supra-national authority or to their own people?

From this point of view, Africans, very early, tried to find solutions to these questions, notably in the political societies found between the south of the Sahara and the great forests, which have been studied by numerous analysts of African political societies. A state apparatus existed, perfected to a high degree of political organisation and endowed with a potential efficacy to match that of the administrations of ‘Ancien Regime’ European monarchies.

Therefore it is interesting to go back to the institutional and judicial history of these political societies. In truth, this detour through history is very often neglected when reflecting on and analysing African political systems, as much by political analysts as by other researchers in social sciences, with the exception of institutional historians. However, if one really wants to understand the issues of the debate that has gathered us together at this conference, it is useful to dig deeper into the past to extract some partial responses to the questions of the present.

The Wolof monarchy of Senegal will form the context of this study. Having benefited, like the early clusters of organised collective life in Western Sudan, from an economic and political atmosphere favourable to the development of a well-structured administration, the Wolofs were, very early on, confronted with the issue of power relations³⁸ and the elaboration of laws for the smooth functioning of their society.

The emergence of ‘monarchical’ political structures strongly controlled by the state, and influenced by Islam in Sudan, dates from the Middle Ages,³⁹ a period which was particularly constructive for the development of durable political institutions. The Wolof monarchy in Senegal is an example of this. In this society, laws existed, and institutionalised frameworks were enforced by the community, so that despite the divide separating the rulers from the ruled, those holding power were accountable to the people for their actions.

After attempting to understand this spirit of accountability of power in Wolof society, I will try to show that the institutional upheavals which accompanied the changes introduced into the exercise of power from the

⁽³⁸⁾ See Hesseling, *Histoire politique du Sénégal* Paris, Karthala, 2000

⁽³⁹⁾ The African Middle Ages has been considered the golden age of African political society, cf R. Mauny, « Le Soudan occidental à l’époque des grands empires », in *Histoire générale de l’Afrique noire*, t. 1, pp. 185-201.

sixteenth century, set the Wolof monarchy on a specific course that brought with it the slow decline of the mechanisms of accountability.

The triggers of power 'accountability'

This analysis will endeavour to give an outline of the mechanisms of power accountability in the Wolof principalities according to tradition. Tradition represents what existed not only before the upsurge of Islam, but also in the period stretching from the fifteenth to the eighteenth century.

The issue, seen from a global perspective, is based on the tendency to appropriate ancestral tradition, at the same time as seeking an amalgamation that gives a political system features completely different from those of other systems. As a hypothesis, tradition represents the true face of the Wolofs, the characteristic traits of their social structures. It seems that in this respect, until the end of the fifteenth century, the state apparatus was characterised by a strong element of tradition, whereas research in social science shows a general decline of tradition from the sixteenth century onwards.

The political organisation of the Wolofs was strongly characterised by a hierarchical social structure^[40]. The political structure was monarchical. The king was in general, although not exclusively, a member of the nobility, he was not necessarily the eldest son of a lineage, as in the model applied in most European monarchies; he was elected from among many candidates for the throne coming from many different royal families which sometimes, as in the case of the Waalo, came from different ethnic groups. The king was elected by a council, the membership of which varied.

In Djoloff, this council was made up of seven members of the *garmi*, who were led by the *Djarraf Djambour*. In Cayor, the council was also presided over by the *Djarraf Djambour* but also included a representative of all the free citizens and a representative of each caste. In Waalo, in particular, the council was made up of one person responsible for land tenancy or *lamane*; one for the *gawdin*, slaves; one for the water or *jogoma*; and finally the treasurer or *mala*. This council was not only in charge of electing the king, but it also undertook the supervision and control of his actions.

Complaints from the people were brought to the king through the intermediary of a member of the council. It is worth noting that on important occasions the king summoned the council and followed its recommendations as far as possible. When there was a disagreement, serious differences of opinion or extreme cases of dereliction of the duties that customarily fell to the king, the *Djarraf Djambour* could plead lack of popular support for the king's policy and thus obtain his removal from power, the throne passing on to one of the heirs from a rival dynasty. Thus the king

in Wolof principalities was not an absolute monarch. Regardless of his authority or his personal merits, he was surrounded by people who shared power with him and who could depose him if it was ever doubted that he possessed the intellectual or moral faculties needed to carry out his role.

It would seem that the social forces which emerged in the political structure of the Wolof principalities tended towards the establishment of an oligarchy^[41].

Instances with very limited powers and those at the heart of State affairs maintained an interdependent relationship: "We can see this interdependence very clearly in the periods in which institutions were being renewed, when dominant elements which would come to the fore later, more or less withdrew in an attempt to reinstate the sovereign lineages into the positions of responsibility that tradition gave them in the realisation and life of the system"^[42]. The heirs of rival dynasties lived generally outside of the State territory, in a host country where they could not only buy slaves but also raise a small army. The new king normally brought innovative ideas from his host country: this can be interpreted as a constructive factor, fostering reciprocal influences between the different principalities in the running of the state, and even in the acceptance of constitutional law on a reduced scale.

This system, indicating a collegial character to the exercise of sovereignty and to the control of the state machinery, predominated. The tasks that fell to the authorities mostly concerned the administration of the state and management services. The administration of the state was very decentralised, the king and his advisers only concerning themselves with matters that were of the highest importance. The regional administrative framework shows that the provinces had a great deal of autonomy. The Waalo, for example, was divided into regions that were each headed by a vice-king, the *Kangam*.

The royal army was made up of nobles and slaves. The Treasury financed a limited sphere. Expenditure only covered the upkeep of the court and the army, as well as the purchase of gifts. The sovereign was also the Minister of Finance of the kingdom. The economy of the state was merged with his own personal wealth. Income came mainly from the spoils of war, from the products of agriculture, from livestock and from trade. In the case of great threat or preparation for war, free men were obliged to pay a contribution.

The king was the supreme judge, arbitrating as a last resort in the most important cases. He had the exclusive right to award the death penalty, although trial by ordeal (*poison, water or fire*) was allowed, with the errors it gave rise to.

[40] P. Diagne, *Pouvoir Politique traditionnel en Afrique Occidentale*, Paris, Présence Africaine, 1967, p.21 onwards

[41] P. Diagne, *Pouvoir politique traditionnel en Afrique occidentale*, op. cit. p. 22.

[42] Ibid.

As we can see, power in the Wolof principalities in Senegal was vested in a single sovereign. The concept of government was therefore personal and not institutional. It remains to be seen if these pre-colonial political societies had democratic characteristics, and if the people could exert their influence on the State or on the administration and its components and structures.

The State is narrowed down to the rulers, to their entourage and the mechanisms of accountability for those who decide, for those who are at the controls.

Meanwhile, mere observation of the facts shows that the role of the population is central: the population could express its approval or disapproval of the policies being carried out, and remove those responsible from office.

Admittedly, the dynastic principle and the social inequality that characterised the Wolof political system would lead to the conclusion that there was no democracy in pre-colonial Senegal. Nevertheless, there were frameworks institutionalised by society that prevented the monarchy from degenerating into tyranny: the election of the king by the council, and the council's control over the king (through their right to remove him from office) limited royal power. If he did not fulfil the obligations towards his people that were his by custom, the sovereign had to face an opposition directed not towards his regime, but towards his person.

Decentralisation contributed to a certain extent to moderating the king's power. The majority of provincial chiefs were elected by an electoral college following well-defined criteria. The population often came en masse to attend the investiture, despite the limited nature of the right to vote, and could therefore show its approval or disapproval. Another, no less important, factor contributed to the limitation of the king's power: the existence of a peasant chief of the landholders, the *Lamane*. He represented a counterweight to the feudalisation of the system.

The free circulation of individuals was remarkable, and the freedom of opposition recognised. It was, in this case, not an opposition based on economic inequality aiming to break down the divide between the governors and the governed, but more a political opposition, in the sense that it sought to acquire power by means of mechanisms institutionalised by the group as a whole. In this regard, we can speak of "oligarchies of substitution", which congregated around unlucky candidates for the throne. Such an opposition was not based solely on the struggle for power, but also on ideological positioning and the opposing interests of rival dynasties.

In light of what has just been said, accountability of power in pre-colonial Africa has given more or less satisfactory results and precise examples. Societal evolution has led to a gradual decline of this tradition, and to the distortion over time of the mechanisms of executive accountability observed up until that point.

The Gradual Decline of the Mechanisms Assuring Power Accountability

This problem can be assessed from two points of view - either as the disruption of power or as the failure of the traditional legal system.

The Cayor and the Baol can be used as examples of the changes which occurred between the holders of power and their populations from the end of the fifteenth century. These two principalities "experienced a severe upheaval of their structures and their socio-political relations. The changes which occurred were closely linked to the advent of European trade, French trade in particular, where the priority was to export the maximum quantity of captives"⁴³. This development "largely determined the appearance of internal conflicts and civil wars, the intensification - if not the introduction - of raids on the Wolof and Serere peasant populations, and an increased number of campaigns against neighbouring countries"⁴⁴. The sudden emergence of despotism in the Senegalese kingdoms, and, above all, the disruption that came with the slave trade, added to the difficulties linked to the political practices in force at the time, and led to changes, the effects of which still remain to be explained, but which are hinted at by certain facts. In areas where the authority was dispersed in order to prevent the abuse of power, 'warlords' emerged, reinforcing their power with weapons, relying on the *ceddos* and participating in the Atlantic slave trade⁴⁵.

This led to successive civil wars in the Wolof principalities where different royal families fought each other⁴⁶. Taking advantage of these wars, royal slaves took over power from the elected members of the assemblies, or royal agents were invested with hereditary responsibilities at state or provincial level⁴⁷. The abuses of power committed by the warlords robbed the monarchy of its popular support. The warlords' monopoly of power, following on from the intensification of the slave trade and the multiplication of conflicts and wars between the kingdoms, encouraged the Europeans to intervene directly and to impose a slave trading system. This system consisted in exporting prisoners of war, selling them and arming the warlords to continue the cycle. Jean Suret-Canale considers that "the African slave trade was not the outcome of an internal development process, but that it occurred as the result of external initiative and intervention"⁴⁸.

This argument does not withstand criticism however, because it seems to support the idea that autochthonous societies failed to protect natural rights due to their irresponsibility. On the contrary, these societies'

[43] C. Becker et Martin, « Kayor et Baol : royaumes sénégalais et traite des esclaves au XVIII^e siècle », in RFHOM, n°23/227, 1975, pp. 290-299.

[44] Ibid., p.270.

[45] B. Barry, *La Sénégalie du XV^e au XIX^e siècle*, Paris, L'Harmattan, 1988, pp. 127-142.

[46] A. B. Diop, *La société Wolof, Tradition et changement*, Paris, Karthala, 1981, pp. 196-199.

[47] With the multiplication of the crises of succession, the 'royal slaves' were substituted almost universally to the crown's slaves, except in the Djoloff, and they came to the assistance of the sovereigns in power.

[48] J. Suret-Canale, « Contexte et conséquences sociales de la traite africaine », *Présence africaine*, n 50, Paris, 1964, pp. 142-143.

investment in the development of the slave trade was a particularly rational choice. Its foremost aim was to reinforce political and military power by the appropriation of weapons.

This trend incontestably marked an evolution in the relations between sovereigns and their subjects. Indeed, "although they were appointed by an assembly that was representative of the whole of society and although they could be dismissed by this assembly, the kings were driven into multiplying abuses of power, which could hardly have been sanctioned"⁴⁹.

The changes in relations between the sovereigns and their subjects, especially in Cayor and Baol⁵⁰, reflected the state of the two kingdoms which, caught up in the system of the slave trade, gave violence a political status. This affected the exercise of executive functions or the rites which joined them to the "empire" of the Djoloff: the political system of the Djoloff changed from being "a largely centralised power, resting on the authority of the local communities, to the development instead of a permanent government body which progressively reduced local 'freedoms', more clearly asserting its warlike character, and increasing the imposition of taxes and forced labour"⁵¹.

This said, violence in the principalities of Baol and Caor pre-existed the arrival of the Europeans in Senegal; it clearly raises the question of the legitimacy of rulers from the 16th century onwards, a period in which an increase in the power of the Orders is evident. The political practices in place at this time in the kingdoms tended to sanction the preponderance of *ceddos* and of captives from the matrilineal lineage of *Guedi*⁵² in the council that was responsible for the election and control of the kings, to the detriment of the traditional representation of free peasants who were not members of castes (commoners) or *baadolos*. Thus, the conflicts which raged between the kings and the peasant chiefs, the masters of the land tenure systems or *lamanes*, ended in the victory of the sovereigns supported by their entourage and the *ceddos*. Forced out of the council responsible for the election of the king, the *baadolos* were exploited and subjected to all sorts of taxes and duties which they had to pay to the king. Their quality of life went from bad to worse.

This situation caused a transformation in the regulatory mechanisms provided for by the 'constitution' of certain principalities such as the Cayor. In the 'constitution' of the kingdom of Cayor, there were in fact regulations "which constituted a coordinated and hierarchical framework,

enforceable through judicial processes"⁵³. However, the arrival of a centralising, authoritarian and oppressive monarchical regime had an adverse effect on the guarantee of rights in this African political society⁵⁴, with the new power, influenced by the slave trade, knowing no bonds. Obviously, this resulted in a change in the mechanisms of accountability of power.

Some of the outward signs of the transformation of these mechanisms are particularly revealing, such as the privatisation of the use of legitimate violence⁵⁵. This originated in the conflict of interest between the populace, that could no longer bear the abuses of power, the duties, taxes, and predatory practices to which they were submitted, and the sovereigns and royal agents whose major concern was to bargain with the slave traders and to traffic in human beings⁵⁶.

In other respects, the legal rules applicable to individual conflicts were taken over by arbitrary ruling: the penal sanction inflicted on delinquents in the seventeenth century in most of the Wolof principalities was generally condemnation to slavery. Of course, it would be too much to say that these changes brought about considerable institutional upheavals in these societies; but it is even more inexact to say that they left no trace on the institutions and on the mechanisms of power accountability.

[49] C. Becker et V. Martin, « Kayor et Baol : royaumes sénégalais et traite des esclaves au XVIII^e siècle », op. cit., p. 293.

[50] Cf V. B. Coifman, History of the Wolof State of Jolof until 1860. Including comparative Data from the Wolof State of Walo, Ph. D., Dissertation, University of Wisconsin, 1969.

[51] C. Coulon, « Contrepoints », in E. Leroy, « Mythes, violence et pouvoirs. Le Sénégal dans la traite négrière », Politique africaine, II (7), septembre 1982, p. 80.

[52] M. Diouf, Le Kayor au XIX^e siècle et la conquête coloniale, Thèse ès Lettres, Paris I, 1980, pp. 119 et 130.

[53] P.F. Gonidec, Les droits africains. Évolution et sources, Paris, LGDJ, 1968, p. 9.

[54] P.F. Gonidec, Les systèmes politiques africains, 1^{ère} éd., vol. I, p. 42 et s.

[55] J. Suret-Canale, « Contexte et conséquences sociales de la traite africaine », Présence africaine, n°50, Paris, 1964, pp. 145-147.

[56] E. Leroy, « Mythes, violence et pouvoirs. Le Sénégal dans la traite négrière », op. cit., pp. 53-54.

Question and debates

Probing and debates Fatou Kine Camara and Bonnie Campbell with contribution from the floor

Questions from Fatou Kiné Camera

A question to Kwesi Jonah: I listened to your lecture with great attention and interest and the only question which comes to mind is the following: where are the women? The question of gender is totally missing from your lecture and yet traditional political institutions always had a gender dimension within them. It is the western school which conceals the place of women in traditional political institutions. As a female African jurist, on the subject of law, and especially of black-African law, my first question is invariably the following: what place does law give to women? Can they be chiefs? Do they have a legal and legitimate place in the institutional organisation?

El Hadj Mahmoud Dicko : “I would also like to ask Mr. Kwesi Jonah to expand on the way in which the mechanisms of making chiefs accountable before the period of colonisation worked.”

Kwesi Jonah : “Before the colonial period, the chiefs, at the time of their election, would give a public oath, acknowledging that they had been elected to serve their people and promising to be at their service day and night: “I deserve to be punished if I am not at your service”. A chief can be dethroned if he can’t fulfil his role. During the colonial period, besides that oath, they also had to be accountable to the colonial power, and that’s where the problems began.”

(Fatou K. Camara resumes). Question to Mahmoud Karamoko Bamba : three points deserve to be highlighted in your lecture and I would have liked them to be discussed even more. The first is related to the question of equality between men and women. You make the man/woman couple your point of departure, or the base of traditional society. The obligation of mutual accountability began at this level and was then extended in concentric circles going from the head of the family to the head of the village, then from the head of the village to the head of the county and so

forth until the very top. It would have been useful to underline the fact that the Kurukan Fuga Charter, supported by the testimony of Ibn Battuta, insists on the legal and legitimate presence of women at all the levels of power.

The second point that would have deserved more time concerns your demand for scholars of the Western school, the Oriental school and the black-African school to be reconciled. These three types that colonialism separated must rediscover one another, you said. Why and above all how do we proceed towards that reunion?

Thirdly, you insisted on the necessity for sharing knowledge. Because what you know in your language you hope to share with French speakers. It is necessary in that case that your texts are translated into French. Just as knowledge transmitted in French should be translated into African languages so that those who speak these languages can also benefit from it. Making such a wish reality has been explained and justified in the lecture by Ms. Diop-Maes⁵⁷.

What do you think of her proposal for a bilingual higher education, beginning with the translation of core science manuals (e.g. mathematics, physics...) into African languages?

Questions from Bonnie Campbell

The three texts presented concerning ‘accountability’, all highly interesting and complementary, allow us to underline the importance of the conceptualisation of the issues at hand; to draw attention to the political dimensions of governance of which accountability is a key element; and to reflect on the links between governance and the vision of society.

The conceptualisation of the notion of “reporting back” as against “accountability”.

The lecture given by El Adj. Karamogo Bamba on the “Accountability of power” (fanga ka Kômasegin en bamanan) gives us an excellent starting point in order to trace certain major axes of this vast subject. Traditionally in general, and in the Mande in particular, as Mr. Bamba reminds us, to report back is an obligation; it is the foundation of trust and the assurance of the “democratic” functioning of traditional institutions. It is a point of honour for the chief, elected to lead the country, to report back to his people and for his people also to be accountable to him. What’s more, he said, “One of the principles linked to the exercise of responsibility and power, and to every mission, is the idea of accountability”. And finally, he adds, “The true power is in fact linked to the higher conception that we have of “Tigiya”, that is to say higher responsibility”.

[57] See the text by Mme Diop in the annex.

Therefore and to summarise, traditionally and in the Mande: to report back is an obligation; but accountability implies reciprocity and the notion implies a higher sense of responsibility. It also refers to a time, as professor Binton Sanankoua mentioned yesterday, where “Africa decided” and “references were internal”.

In a completely different context and much closer to us, a founding text of the World Bank permits us to trace the history of the notion of “imputability” so present today in the debates and reform policies of international agencies concerned with finance and cooperation. It describes a concept of “accountability” that we find in the 1992 publication of the World Bank, *Governance and Development*⁵⁸. During that period, the World Bank was concerned with “governance”, formulated in terms of good administrative management defined quite loosely as “*the way in which power is exercised in the management of the social and economic resources of a country*”. In multiple instances in this document, it is said that the World Bank will not broach political dimensions of governance because it would mean overstepping its mandate. It is suggested that it is more of a proposal aimed at advancing reforms favouring the private sector and the free play of market forces.

Even if the Bank affirmed that it would not touch on the political dimensions of the concept of governance, (as will be developed below), the notion that it introduces in 1992 in fact conveys a very particular conceptualisation of the state. Thus, while advanced from the angle of reforms aimed at good administrative management, it was no less, as we will see, the vehicle for a project aimed at managing the social and economic order.

The emphasis put on governance by multilateral financial institutions from the end of the 1980's came at a particular moment and marked a turning point. The increasing conditionalities which accompanied structural adjustment programs became politically and administratively unmanageable. The modest performance of liberalisation strategies provoked a response which aimed to better anchor and better legitimise increasingly complex and multi-layered interventions. But from that period (the end of the 1980's), the debates bear less and less on the efficacy of the structural adjustment programmes and their political feasibility. The questioning is reoriented and flagged up.

The issue does not concern the donors' strategies – the economic heart of these programs – but the identification of elements that could explain why the reforms do not work. The finger is pointed at factors and internal dysfunctions in the country in question. Consequently, with a view to explain why the results of reforms were disappointing, they identified internal factors such as the weak technical capacity of the country, weak participation, the lack of transparency and commitment of the decision-makers, in

short, “poor governance” as being responsible for the failures.

At the same time, the new emphasis on “governance” markedly opens up the field of action of multilateral financial institutions because it implies a deepening of their control of administrative and political processes.

Without denying the internal dysfunctionality of which we are all here conscious, I would like to draw attention to this notion of “responsibilisation”, and to some implications arising from the fact that the financial institutions' “governance project” is a vehicle for specific institutional reforms answering a predetermined project of economic reform.

In order to broach this question, it is useful firstly to analyse the way in which it is proposed to construct bases of legitimacy for the economic reforms desired by donors.

At the end of the 1980s, this strategy had to be achieved according to the notions of “empowerment” and “consensus building”⁵⁹. During the 1990s, it was to be a question of accession to power and, above all, participation in power structures. Nonetheless and as Beckman⁶⁰ noted, referring to the 1980s, this *empowerment* is designed to ensure and facilitate development, which seems to imply a predefined objective and not at all a participation in the exercise of power in order to participate in defining and realising a vision for society. Consequently, much emphasis is put on the links between participation and governance, notably in the studies by the World Bank on the latter, but it is about functional participation in reforms where the objective is quite clearly defined as: “to provide an enabling environment for the private sector”⁶¹.

In the study by the World Bank in 1992, a subsection entitled « Micro-Level Accountability » details the *raison d'être* and the reach of the concept of participation. The notion is juxtaposed with that of competition, because participation, as far as the Bank is concerned, is a precondition to competition. This perspective comes back to the liberal-pluralist vision of the exercise of power where competition plays a key role in the rotation of elites. Thus, the notion of participation is defined in a narrow sense as “the articulation of preferences or demand”, referring to a means to obtain local support and local cooperation – and to a means to establish popular legitimacy. But this legitimacy is for those who are engaged in, not those who resist or oppose the Structural Adjustment Programmes (SAP)⁶².

It is in the same functional and technical sense that we can explain the limited reach of the notion of “accountability” or “*responsibilisation*”,

[58] World Bank, *Governance and Development*, World Bank, Washington, D.C., 1992.

[59] World Bank, *Sub-Saharan Africa. From Crisis to Sustainable Growth, A Long-Term Perspective Study*, Washington, pp. 60-61 et pp. 192-193.

[60] B. Beckman, «Empowerment or Repression? The World Bank and the Politics of African Adjustment», in *Authoritarianism, Democracy and Adjustment. The Politics of Economic Reform in Africa*. Ed. Gibbon, (P.), Bangura, (Y.) Ofstad, (A.), Scandinavian Institute of African Studies, Uppsala, 1992.

[61] World Bank, *Governance. The World Bank's Experience*, World Bank, Washington, D.C., 1994, p. 56.

[62] B. Beckman, *op. cit.*, p. 92.

which is put forward nowadays. Thus, despite a definition which, at first sight seems quite broad ("Accountability at its simplest means holding public officials responsible for their actions"), the notion will not be made more precise and therefore it will lack political effectiveness as far as its broad interpretation is concerned. In order to be operational in the political sphere, it would have been of the essence to specify who is responsible? For what? Through what mechanisms? To what degree and according to which norms?

We can better understand this lack of precision when we take account of the fact that we are mostly talking about budgetary and economic responsibility. The notion of empowerment used by the Bank during the 1980s and that of participation in the 1990s, therefore indicates a concern not for real participation but more for Beckman's concept of "populist managerialism".

We are in fact very far from the conceptualisation of the notion of accountability based on the idea of *obligation*, a certain level of reciprocity and a high degree of responsibility. Without being able to elaborate on this point, we should note however that the context in which these recent, major transformations have taken place is characterised amongst other things by: an externalisation of the arenas where references are set and decisions made, most notably concerning economic and institutional reform; by a tendency towards a certain technocratisation of language as far as social and economic development is concerned; by a trend towards the depoliticisation of social issues, at the risk of delegitimising social demands.

Political dimensions of governance which are part of the notion of reporting back or accountability

As mentioned above, following the publication of its key text in 1992, the World Bank confirmed that it would not tackle the "political dimensions" of this issue. Nevertheless, it can be demonstrated that from the beginning the notion that was introduced was the vehicle for a very particular notion of the state, of its role, of its relationships with the market, of the evolution of the state, of its political functions and ultimately, of democracy. In this respect, certain analyses which look at the pillars of governance (management of the public sector, *responsibilisation*, rule of law, that is to say the legal framework of development and, finally, communication and transparency itemised in the World Bank document, and notably those by Moore⁶³, show that even though these elements are presented as relating to good administrative management, and therefore neutral, these constituent elements of governance are in fact very far from being so.

[63] Mick Moore, «Declining to Learn from the East? The World Bank on "Governance and Development"» dans I.D.S. Bulletin, Vol. 24, no.1, 1993, p.39-49.

Maybe even more central is the peculiar notion of the state underlying this text. It concerns an instrumentalist and functionalist concept of the state, which presupposes one objective: to promote a certain form of development and what is more, to prescribe the means to attain it. According to the sources on which the report is based, there is a correlation between the creation and consolidation of effective institutions (public and governmental authorities), the reinforcement of property rights, and the proper functioning of the market. The principles of good management applicable to business are equally applicable to management of public goods: "Efficient institutions emerge when there are built-in incentives to create and enforce property rights, defined in the broadest sense."⁶⁴

This brings us to the heart of the problem: the conceptualisation of state-market relationships. Taking into account the errors made during the 1970s, the report presents a non-interventionist and minimalist vision of the role of the State⁶⁵. That vision follows from the neoclassical economic paradigm which is at the origin of and has very much influenced the thinking and the strategies of the World Bank since the beginning of the 1980s, and notably the Structural Adjustment Programs. Put succinctly, that vision sees the market and the private sector on one side, and the State on the other like entities which are in competition with each other to occupy the same economic spheres of activity. Consequently, the withdrawal of the State permits market forces to act more freely in order to balance out supply and demand in such a way that appropriate signals are sent to the private sector in order to allow it to optimise decisions for production and investment. Not only do we find that the idea of competition between the public sphere and the sphere of the market are to be avoided and that the private sphere should not be subordinated to the public sphere, but also the idea that the sound running of the state must emulate the markets. Thus, the sound running of the state is reduced to a question of sound technical management of public resources. accordingly, measuring the absence of good governance is formulated in terms of economic losses⁶⁶. Because, in those situations where governance is found wanting, this can create a hostile environment for development⁶⁷.

Finally, we should also note that the conceptualisation of the notion

[64] Ibid.

[65] "Governments in the 1970's relied on this rationale [compensation for market failure] to rush into unwise policies and investments, although their own policy interventions often were responsible for market failures, and the investments did not yield adequate returns. Governments now increasingly recognize the need for more restraint and for taking «market-friendly» steps to deal with problems" Ibid. p. 6.

[66] Ibid., p. 9.

[67] "In such circumstances, the authority of governments over their peoples tends to be progressively eroded. This reduces compliance with decisions and regulations. Governments tend to respond through populist measures or, as in some authoritarian regimes, they resort to coercion. Either way, the economic cost can be high, including a diversion of resources to internal security and escalating corruption". Ibid., p. 9-10.

of governance by the World Bank likewise leads to a new conceptualisation of other dimensions or pillars of the concept and notably to the notion of the Rule of Law. Thus we find that the notion of a “legal framework” or “Rule of law” is redefined in the following manner: *“The rule of law is a wide- some would say all-embracing – concept. Its salience to the World Bank is more limited, but important. Some elements of the rule of law are needed to create a sufficient stable setting for economic actors – entrepreneurs, farmers, and workers- to assess economic opportunities and risks, to make investments of capital and labor, to transact business with each other, and to have reasonable assurance or recourse against arbitrary interference and expropriation”*⁶⁸. It is therefore a very precise notion, which seems to have also been reconfigured in view of a precise economic project and leads to a limited concept, quite far from the one usually used by jurists.

The essentially functionalist and instrumentalist concept of the state present in the World Bank’s founding documents leads to the questionable idea that organisational changes of a technical nature, lead in themselves to an improvement in efficiency: whence the emphasis on management of the public sector, responsabilisation, the legal framework of development, communication and transparency. The question which must be asked of this functionalist perspective is evidently: “governance” and “capacity-building” to what end?

The links between the governance project and the social project

The notion of the state as proposed by the World Bank evolved noticeably during the 1990s. The notion of governance as defined in 1992 by the Bank, which confirmed that it would not tackle “political dimensions”, was followed by a publication by the same organisation of a report on world development in 1997, a document which was dedicated entirely to the state⁶⁹. Two years later, in a report on world development in 1999-2000, the institution abandoned the position announced in 1992, with the effect that the Bank’s concept of governance no longer made reference to a particular type of political regime, putting forward the notion of “effective governance”: “Effective governance requires stable coalitions and an executive with reasonably strong and clear powers”⁷⁰.

Thus, and in contrast to the interpretation that we find in the text by Mr. Badji to the effect that “governance” implies the idea that one can, without transforming the state, undertake reforms which constitute performance indicators for managing public affairs, “efficient tools for steering the state or administration”, we notice that financial institutions

which want to avoid engaging in the political field, have been brought more and more deeply into this field with the aim of insuring the success of economic reforms they hope will be adopted despite, lest we forgot, being forbidden to do so by their own statutes⁷¹.

This takes us back to yesterday’s discussion in which the question was whether one could or not reform from outside. This is obviously a very vast theme. Without claiming to be able to cover it entirely, we should nonetheless remind ourselves of what we have inherited in the current situation as a result of more than twenty years of structural adjustment, and which is the context of this debate. On one hand, the liberalisation, privatisation and deregulation policies have entailed the shrinking of the state’s redistributive capacities with severe restriction on access to basic services (health, education, water etc) as a consequence. On the other hand, without this necessarily being the foreseen or desired effect, institutional reform which refashions political spaces, if applied without modifications, contributes to reconfiguring political processes and realms in a restrictive manner. In the context of states’ reduced redistributive capacities, previously legitimate social demands such as access to water, land, health care, education etc, risk being judged “excessive” and therefore illegitimate⁷².

Why is this the case? The “technocratisation” of the approach to the social domain, by introducing new norms in the name of efficiency, or of other criteria linked to profitability, threatens to redefine what were previously considered established rights.

Therefore, what appears to be an attempt at “depoliticising” has potentially major implications in terms of the legitimacy of political processes on which these measures depend. In as much as institutional reforms contribute to the reconfiguration, in a restrictive sense, of the political realms affected by these strategies, these measures have a double risk: that of undermining the bases of state legitimacy; and that of contributing to the narrowing of democratic realms and therefore to the delegitimisation of democratic demands judged “excessive”.

Put quite simply, there would be a double movement: the narrowing of the States’ redistributive capacities (the result of adjustment strategies over the last 20 years), which would be accompanied by the risk of narrowing the political realm in the countries concerned.

Among the reasons that lead us to believe that these developments raise political issues which deserve to be closely scrutinised when we approach the question of the ‘accountability’ of power, the following two points should be noted.

[68] Ibid., p. 28.

[69] Bonnie Campbell, « La Banque mondiale prône un État efficace : pour quoi faire? », dans la Revue québécoise de droit international, vol. 10, 1997. Publié en 1999, pp.189-199.

[70] World Bank, World Development Report, 1999/2000, Entering the 21st Century, Chapter 5, « Decentralization : Rethinking Government », p. 121. [Effective governance requires stable coalitions and an executive with reasonably strong and clear powers].

[71] Bonnie Campbell, “ La bonne gouvernance, une notion éminemment politique” dans Les non-dits de la bonne gouvernance, Karthala, Paris, 2001, pp.119-149.

[72] See Bonnie Campbell, (directed by). Qu’allons-nous faire des pauvres? Réformes institutionnelles et espaces politiques ou les pièges de la gouvernance pour les pauvres. L’Harmattan, Paris, 2005.

Above all, on the political level, the external impetus of reform processes has potentially negative implications for democratic process and raises issues concerning, among others, the imputability or the accountability of states towards their own populations which have not received the attention they deserve. More fundamentally this poses the question of compatibility between the mode of regulation introduced in the name of governance to the end of stabilising economic reforms desired by the multilateral donors, and the conditions necessary in order to ensure social participation in political and economic projects aimed at long term social cohesion.

In the case of a conflict of interpretation or of resistance on the part of the local population, there is a very real risk that the governments will be more responsible towards the needs and views put forward by economic actors such as businesses, foreign investors or multilateral institutions than towards the needs and views put forward by the local communities and people, which can only damage the social and political stability of the country in question in the long run..

Secondly, beyond the viability of the proposed strategies, such considerations bring to the fore the problem of the financial partners' positioning. The incoherence and contradictions which result from the attempt to reduce the analysis of historically based socio-economic and political processes to a simple question of management which can have universal validity raises two fundamental problems: the impossibility of managing externally issues as complex as economic and institutional reform and as a corollary, the absence of political responsibility hence accountability from bilateral and multilateral donors for the policies which they both propose and impose.

The challenge therefore seems to be to see under what conditions political arenas can be reopened, more flexible approaches towards conditionalities adopted and thus the decision making processes (policy space) "unlocked" so that the initiative, the conceptualisation, development and evaluation not only of governance, but even more so of strategies of economic and social development can be reappropriated to make them compatible with the objectives fixed by the country in question. This would seem to be a pre-condition for the leaders to be in a position to reappropriate the development agenda for their country and thereby to be held politically responsible and consequently accountable to their people.

I will conclude with two observations. Concerning the text by Kwesi Jonah, if there should be reconciliation, as recommended in the conclusion of his text, between traditional institutions and modern forms of governance, should not this reconciliation be accompanied – beyond the procedural debates already proposed – by a debate and clarification of the social project that modern governance looks to put in place, including new models of the redistribution of power and resources implicit in the reforms introduced in the name of governance? Following that, the contextualisation of the notion of accountability proposed by Mr. El Adj.

Karamogo Bamba, in contrast to that which is so differently conveyed by the notion of governance of the Bretton Woods institutions, provides a framework in which we can consider the way old forms of accountability could conceivably address the demands of the current situation, characterised by an externalisation of decision making, the technicisation of language concerning social issues and, consequently, the risk of their depoliticisation. This perspective invites us to consider the possibility that today, the notion of governance as conveyed by financial institutions and donors, while polysemic and changing, risks appearing as a substitute for thinking in terms of "Africa decides" and the "references are internal".

S. M. Ouidi Naaba : "In the traditional system the power holder knows not only that he must be accountable to the people who rely on him, but above all to the ancestors who continue to watch over us and judge us: those who possess traditional power think always of those after them and their descendants. We need a national authority to whom those leaders must be accountable; failing that, an African authority could help avoid the humiliation they have been subjected to in recent years. Corruption in our communitarian societies has been introduced and institutionalised by the clash of civilisations: getting rich quick and eating alone are contrary to our values. If that exists we must think about remodelling our political systems and looking for the causes of the breakdown of our societies.

In Burkina Faso, as well as institutions such as the National Ethics Committee, the State department, the Supreme Authority for the fight against fraud, there is also a Supreme Authority for the coordination of the fight against corruption, whose powers and prerogatives could do with being more efficient and more credible.

Whether Upper-Volta or Burkina Faso we have opted for the republican form of the state. From independence to this day, representatives of traditional and religious structures and authorities have always been involved at all the levels of state responsibility: Government, National Assembly, Senior Public Administration etc...Because for us, the State must serve as the base for the construction of a true Nation. Decentralisation must be able to engage the people at grassroots level in order to better articulate a vision of society and development".

Ousmane Sy : "All accountability supposes an opposition. Our traditional chiefs had opposition, but it does not work anymore. The other forms of opposition in our societies, such as the press, do not work well either. Each organised system needs regulation mechanisms. in our modern states, to whom and for what do those in power feel accountable?"

Dominique Darbon : "A number of informal regulations are in place today. So the question is to grasp the true link between the formal judicial system, the modern one and the regulatory forms of traditional authority.

In Cameroon for example a chief can imprison an official then the President of the Republic must personally intervene to negotiate his release”.

Jean-Pierre Olivier de Sardan : “We are all at risk of anachronism when we analyse traditional authority according to European values. As if what we describe were some kind of anticipation of modern society. The same can be said concerning the way in which we speak about public goods. A system does not need to be deemed democratic or to foreshadow democracy to be interesting. The Kouroufan Kouga Charter is interesting in itself. It does not need to be discussed in democratic terms”.

Ousmane Sy : “I can confirm what Jean-Pierre Olivier de Sardan said; we see it well at a local level. The villages have organised to respond to the offers of political parties, to get an income from these different parties and to share the proceeds, proof of the internal unity and stability of these villages”.

Jean-Pierre Olivier de Sardan : “I am also of the opinion that we should abandon the word “traditional”. The political culture of peasants who impose consensus processes for certain projects, and substitute this for voting, is a modern culture. In Niger, with decentralisation, we saw the political parties (who only existed in the towns), arrive in the villages. To which the peasant reacted pragmatically by exploiting the new “electoral income”. party X arrives, we organise him a committee with someone as chair. Party Y arrives, the same committee is organised but with someone else as chair. That is political culture, local, current, the one which must interest us the most in terms of governance reform.

Assane Mbaye : “I am reacting to Jean-Pierre Olivier de Sardan’s remark; if we are trying to gain an understanding of our modes of organisation, we need to analyse the societies as they are. But it is not simply about observing, but also about thinking about the way in which we can reformulate modes of governance. We must therefore ask ourselves the question of how to establish the link between different modes of organisation which have succeeded each other in history. There have always been tasks which have been ascribed to leaders. The main state tasks have always been to guarantee well-being, security, stability etc. It is therefore necessary to understand how each system during its time has been able to use the system which preceded it. Heritage must be taken into account. We cannot act as if our societies had not evolved”.

Mahmoud Karmoko Bamba : “We wish to be what we are, that is more important than silver and gold. We should discard this idea that we are no good if we do not resemble the Europeans. We should not standardise the

whole world. Managing differences is something we know how to do. The opposition in our countries does not seek to access power. We have to accept it. In our society, those who have been educated have remained fully African despite their links with the ‘white’ world. One cannot change into a white man. It is a waste of time. The World Bank came to do seminars here, saying that we had to return to local knowledge. That means that for forty years it has achieved nothing”.

Commentary and synthesis

By Raufu Mustapha

The three texts presented by Mr. Bamba, Mr. Badji and Mr. Kwesi analysed the foundations of accountability of governments in pre-colonial African politics and their relevance to contemporary African political systems.

Six main points have been raised concerning the nature of that accountability: (1) The importance of representing multiple interests; (2) the existence of sanctions when faced with breaches of the dominant ethical code; (3) the structure allocating these powers within the society which make the application of these sanctions effective; (4) the development of systems elaborated for legitimisation; (5) the constant changes within these systems; and (6) the pertinence of these pre-colonial systems to contemporary Africa.

Mr. Badji raised the issue of representing diverse interests within pre-colonial Wolof political systems, including free subjects, slaves, chiefs and inferior castes. Likewise, Mr. Bamba raised the issue of the replication of the Mandé's social structures in the pre-colonial political system underlining the importance of families, local communities, diverse institutions and the notion of federation. Decentralised spheres of authority directly link with this notion of 'federation'. The issue is not about confirming that these pre-colonial political systems were democratic but rather that they allowed the representation of diversity within them.

Even the nature of sanctions available within them is linked with the issue of diverse interests. In Mandé notions of public honour and obligation had a strong constraining influence on political actors. For the Wolofs certain interests could initiate the dismissal of certain political actors.

Even though in pre-colonial systems political power was often of an oligarchical nature, it was however limited by the capacity of the population, interest groups or regions to go back on their initial consent or to express their dissent.

Political systems were maintained not only by their capacity to impose obedience but also thanks to a widely shared conception of legitimate authority. In Mande, there was a strong obligation for political actors to "make themselves known", which comes back to the expression of a demand for transparency and honesty in the conduct of public affairs.

These three texts insist equally on the dynamic nature of pre-colonial political systems and the constant factors of change in colonial and post-colonial periods. This is why it is necessary to pay attention to Mr. De Sardan's comment which refutes the binomial vision opposing "tradition" and "modernity".

There are two ways in which we can understand the pertinence of pre-colonial political systems to the contemporary period. Above all we can seek to incorporate a re-worked vision of chieftaincy in the governance of modern African states. This approach has the advantage of confronting a major issue in contemporary African governance: the huge moral gulf that exists between citizens and rulers. Chieftaincy is generally very well understood by the people and, as Kwesi Jonah underlined in the Ghanaian case, well accepted. But can chieftaincy tackle the demands of modern governance in the 21st century such as the management of interest rates, WTO negotiations or the containment of worldwide infectious diseases? A second approach to the question of the current relevance of pre-colonial political systems seeks to isolate their characteristics of governance – the five characteristic traits mentioned above – and attempt to incorporate them into the modern African state.

Review of the three sessions

synthesis, clarification, avenues for research

*Moumar Dieng, Josie Kaye,
Michel Sauquet, Martin Vielajus*

This last section of the proceedings resumes the attempt at a synthesis which took place during the fourth session (afternoon, Thursday 25th) on the basis of its structure by analytical approaches: juridical, institutional, sociological, cultural and linguistic. We added a fifth historical approach. The main comments and proposals for future research made by the participants during this session are also to be found here.

I. Legal approach: the challenge of juridical pluralism

1.1. Diagnosis and issues

In West Africa today, many types of law (customary, religious), have a de facto influence on the regulation of social relations. That being the case, many are calling for the *recognition* of juridical pluralism. But, does this mean integrating the different laws, adjusting their cohabitation, or inventing new ones? And how do we figure this pluralism at different levels of governance? The question has been asked at two levels in particular:

■ at the level of choosing leaders:

In the past customary laws allowed the establishment of precise criteria for designating legitimate leaders. Among these criteria, highlighted by a number of participants⁷³ we can quote the following:

- › age and marital status (being over 40 years of age and being married)
- › modes of transmission (by the father and above all by the mother, the various dynastical modes of transition)
- › necessary moral qualities for a chief to have (boldness, rationality, to be in harmony with the ancestors' Spirit), qualities guaranteed in places (with the Mossis for example) by a collegial mode of designation: a sovereign and independent electoral college nominated the chief, and guaranteed the moral qualities of the leader.

■ at the level of the management of public goods

Forms of customary law have allowed and continue to allow for the collective management of resources to be regulated. Very ancient systems of collective management, accompanied by a social division of labour still play a role of 'cement' between different ethnic groups, most notably in the domain of property. Religion is not absent from these modes of regulation; as Imam Dicko reminds us, it can be a means of stabilising communities.

[73] Bintou Sankawa, Fatou Camara, Keita, the Ouidi Nabaa.

Evoking land reforms in the North of Mali in 1963 (“land for those who work it”), we can see the need for a return to a customary system when new landowners, with neither financing nor tools, preferred to give it back to the elders because “the new land had brought them bad luck”.

Ousmane Traoré showed to what extent customary institutions today still constitute a viable system, more accessible and more understandable than the modern justice system. They deal with property lawsuits locally, often avoiding going before a judge in an area which can generate violent conflicts and which modern law cannot resolve. They take into account traditional values linked with property, and the recognised legitimacy of customary landowners. They articulate prohibitions, concerning hunting and fishing for example, which serve as a means of regulation.

In addition Jean-Pierre Olivier de Sardan made the observation that there is also pluralism within the regulatory processes (which has meant that property disputes are never laid to rest because there is always the possibility that they can be solved with another process).

■ at the level of the constitution and legislation

Rather than juridical pluralism, Ousmane Sy prefers the expression “pluralism of laws”. He reminds us that the principal source of law is the constitution which often finds itself seriously out of step with the expectations of African people, notably because, with the exception of the South African constitution, constitutions revolve around the individual and not the community. Ousmane Traoré mentions the current task of putting customary law into writing in order for it to be more like the modern system. But he notes that when two legal systems find themselves before the judge, the latter generally gives preference to State law.

1.2. Themes for follow-up and proposals

Inviting those who wish to join us, the Alliance for Refounding Governance in Africa would like to reinforce its “Group initiative for juridical pluralism” as presented by Assane M’Baye. This group looks into the modes of production of law in society and intends to contribute to the elimination of obstacles to the diversity of law management. It will especially look into the question of national constitutions.

► Dominique Darbon, noting that in the whole of French-speaking West Africa there is no “juridical African doctrine” and pointing out that in South Africa the constitution was the result of a long participative process and powerful advocacy suggests the opening of a “space for the elaboration and assertion of African law” through research and action which seek a reform of constitutions.

► Ousmane Traoré suggests looking more closely at the theme of the link between property and decentralisation and to capitalise on the knowledge of NGOs in the field of land ownership.

► Finally, Keita proposes a translation project for the Kouloukan-fougou constitution, notably to give substance to modern law.

II. Institutional Approach

2.1. Diagnosis and issues

On many occasions the question of the gap between the institutions and the people they represent has been raised, voicing in the process the desire for institutional innovation which would create a better integration of customary structures. Among the main points were the following:

■ the problem of the legitimacy of modes of election and notably universal suffrage

This question was raised in particular by Bintou Sankawa, Ousmane Sy and Emmanuel Ahlinvy, who all insisted that the majority vote system expressed by universal suffrage bears absolutely no relation to African frames of reference. It “verifies legality” (Ousmane Sy) without being perceived as legitimate. The adhesion of a minority of voters to the choice of the majority generally poses a large problem. Bintou points out that the western system (which itself has been the object of a long gestation period, going through the period where the voting system was based on tax qualification), has been adopted in Africa, far too abruptly, without a transition period. This is where the desire of many Africans to return to their more legitimate roots comes from. “Even if we cannot do without the electoral system as it is, then we must try to adapt it”.

These comments are true not only of the universal suffrage to designate political leaders, but also in other sectors. Thus Abdoulaye Bathily notes that where highly structured models of landholder organisation have been imported, with the nomination of president, vice-presidents etc through universal suffrage, these organisations were quick to decline to the benefit of less structured and more legitimate – in African eyes – traditional organisations.

Dominic Darbon goes so far as saying that there is no link between universal suffrage and democracy, except when adopting a purely western reading of the notion of democracy. South Africa has achieved the endogenous elaboration of a constitution which is sometimes in contradiction with the systems in the North. ‘failure to act’ in West Africa is not inescapable. Changing the constitutions and legal mechanisms is possible. These adjustments, may be difficult for a Westerner to conceive of. But they can be constructed in order to better correspond to the realities of a continent in which, for the moment, it is difficult to admit that an elder or a chief has the same vote as a young person (the head of a family for example has many votes, as Jean-Pierre Olivier de Sardan points out). What’s more, we have noted that the voter turnout in Africa is very weak, mainly because

the parties are not representative of the people, and because people have no reason to vote. Without going so far as endorsing it, one is obliged to observe that the practice of “buying votes” at least has the advantage of making the voter see his vote as a good with a value.

As Hamidou Magassa states, it is urgent to rediscover legitimacy in the choosing of African leaders in such a way that accountability applies more inside (the voters) than outside (international institutions), failing which these leaders will continue to “behave like beggars” in the context of strategic frameworks in the fight against poverty.

■ **the marginalisation or instrumentalisation of traditional forms of authority which nonetheless have real legitimacy, at the institutional level**

Many participants at the conference (Kwesi Jonah, Dominique Darbon...) mentioned the possibility of institutional innovations which would allow the integration of traditional structures within constitutional mechanisms: a second chamber, elder advisory bodies, councils of the wise etc., an idea which is not without risk of being instrumentalised by the central government (after all, the colonial system was largely based on chieftaincy).

■ **the absence of mechanisms for sanctions and the balance of power**

The traditional balance of power, according to Ousmane Sy, no longer functions; modern balancing powers (civil society, the media...) do not function well. And yet, in the past there were efficient modes of sanction (sanctions of honour evoked by Mr. Bamba), the possibility of the king being deposed, the central role of the people and religious figures in the process of deposition...According to the Ouidi Nabaa, the fight against impunity can be taken on through new institutional modalities, within the organisation of the state, integrating the potential of traditional organisations and taking into account all ethnic and linguistic identities. In Burkina Faso, the National Ethics Committee over which he presides was born out of a situation of crisis which it was necessary to manage following the death of a journalist. It is a council of wise men which brings together many different types of actors, creating a forum for the promotion of morality and the art of living together. Impunity, he adds, is the current danger in our society. In traditional societies, whoever has failed cannot escape.

2.2. Themes for follow-up and proposals

► The role of women in institutions: “We always forget about the traditional institutions which were dedicated to women” (Fatou Camara). Fatou considers parity today not only as a right, but also a heritage, part of patrimony. She and her association are fighting today for a new legislation which would guarantee women seats that systematically double those of men, or a system with a double assembly. It remains to be seen (E.Ahlinvi)

if formalised parity is necessarily the best system.

► Emmanuel Ahlinvi proposes to research the link between the question of universal suffrage and the question of ethnicity.

► Ousmane Traoré wishes for us to look into the question of the role of civil society in the regulation of conflicts and, more generally, of African “social capital”.

III. The socio-historical approach: the role of customary and religious chiefs at the local level, and the various forms of chieftaincy

It is very difficult to draw the line between the domain of history, the African past, and the analysis of the present. The dichotomy between “tradition” and “modernity” is incidentally put into question by a number of participants who prefer to see African socio-political traditions in the light of the “present” and to speak, as far as they are concerned, about specific social modes of integration. The historical approach is, in fact, largely subjective and gives rise to forms of idealisation on the part of many actors, the need to be aware of the danger of having a “romantic” vision of the past is therefore stressed. This said, other participants see in the ideal gloss given to the past, the means by which Africans can turn towards values which are their own and give them the desire to build a project which they recognise as being their own. Driven by the fear of “losing” the past, these people criticise above all young people’s lack of historical knowledge, which they see as a handicap in the construction of a project for the future. The ambiguities of that socio-historical approach appear therefore to be a fundamental issue in our thinking, to which the majority of participants constantly return.

3. 1. Diagnosis and issues

Religious and customary authorities possess great influence, especially in the countryside. They act as a powerful alternative social force, capable of contributing locally: to the management of conflict, the organisation of social life according to customary or religious modalities. The “local” elites (whether established by custom, religion or simply from economic power) act as a relay of mediation or social mobilisation, due to their moral credit and economic weight. The elites constitute – because of the social structure of power specific to African societies – centres for forming local opinion and driving community based decisions.

But the fact is that colonial and then post-colonial power structures have continued to try to erase that sociological reality, to marginalise and instrumentalise it. Which never stopped public powers during these different periods from using that legitimacy to establish their policies and consolidate their power. And, very often, they resort to corruption or violence which in fact discredit and weaken these frames of reference, key to the ethical and moral equilibrium of society.

Reconciliation between modernity and tradition, would reintroduce this into the republican field. What appears up until now outside of the law and at best tolerated, on account of badly adapted texts, will be rehabilitated and institutionalised). The first level of intervention for reformulated African societies endeavours therefore to correct the anomalies of the system which, up to now, have contributed to the production of behaviour, frames of reference and modes of regulation which are considered to be outside the republican field.

The principal issues raised and questions posed in this regard are:

- › What are the forms of legitimacy and how have they evolved since the pre-colonial period? What are the differences and the elements of continuity, from the point of view of the source of their legitimisation and organisation, in the West African area?

- › Should legitimacy derive from custom and religions, by which the people principally abide, be recognised by state structures and codified in ways which reconcile modernity and traditionalism?

- › What would be the framework for a new dialogue between these traditional and religious authorities and those from republican structures?

- › How can we enhance the contributions of each of these elements of legitimacy in the management of community problems?

- › What should be the main fields in which to exercise these specific forms of legitimacy and what are the precise areas of competence which should be devolved to them and at what particular level of the territory (local, national, regional)?

- › In the framework of African societies, the primacy of the group over the individual leads us to consider that communities are the places where public opinions are created and made. Should then appropriate and clearly structured mechanisms of consultation with these leaders of opinion be built into the process of public decision-making?

- › Given the scope of influence commanded by these leaders of public opinion should this mean that the state, the authorities, should set up education, information and awareness programmes aimed at these guardians of collective conscience?

3.2. Themes for follow-up and proposals

- › “Codify to integrate”, in order to stop being ‘underground’. Ousmane Sy underlines the importance of this avenue of research and action which aims to reflect on the way in which we can keep an official place for custom in order to make sure it is not marginalised. How can we identify these customary institutions?

- › What recognition and what resources can we give to them? Imam Dicko supports this avenue of research. Customary institutions have no voice in instances such as the High Council of Territorial Authorities; various conventions have been signed by states without them actually

being consulted. And yet, “when there is a blockage, people turn to them”.

- › Work towards a constitution which takes into account the knowledge and values of the “French school”, the “oriental school” and the “traditional school” (R.Toé). The traditional powers do not want money; they only want to be recognised.

- › An avenue of research suggested by Ousmane Traoré is the question of the privatisation of land: the fragmentation of the land can also lead to the fragmentation of the family.

IV. Representations and values

4. 1. Diagnosis and issues

The interventions and debates have repeatedly brought up a problem often neglected by international institutions: the importance of spirituality and religion in questions of governance in Africa, which, as Imam Dicko reminds us, have never been divisive as the same rules for the local management of public goods for example apply to muslims and non muslims. The coexistence of the visible and the invisible is in fact permanently in the minds of many Africans: “*you work on the visible*, a peasant said to Achaire Deoulengar one day, *but you forget that the power of the visible is in the invisible*”. This is an element that everyone should understand the better since, as Dominique Darbon notes, the techniques for selecting leaders, the mechanisms for accountability, are all more or less linked to beliefs, to symbols and, to values in Europe just as well as in Africa. Five main observations were made concerning this:

- › The mystical representation of power: “Power, in our traditional societies was linked to the capacity of the chief to bring the community together” (A. Agbobli). “*We believed then that power was given by God and that it must be at the service of public good*”, (N. Mariko). “*All power is mystical*” said Ouidi Nabaa, who also puts the question. As such, the question asked by Assane M’Baye is to know how to reconcile the mysticism which surrounds power with national constitutions? Can we put the word “mystical” in the constitution? The question has equally been asked of rituals within the Republic (flag, song, etc): to what extent do these bring Africans back to references they recognise?

- › The diversity in the representations of history and tradition. In that matter, the temptations and the equivocations are numerous, but the opinions are very varied. If some fear the failing of memory and the threat of collective amnesia (E. Ahlinvi, O. Traoré), recalling emphatically (H. Magassa) that tradition is a place where identities are founded, many participants of the conference (E. Ahlinvi and equally, R. Mustapha...) are weary of a vision of the past and tradition that is too angelic. They highlight the risks of anachronism in analysing tradition according to European lights, and

point out the temptation too quickly to call tradition something which is not: “*We must break with the western habit*”, said JP Olivier de Sardan, *of saying that everything that does not correspond to western modernity comes from tradition*. They are aware of the risks of instrumentalisation (where the past is idealised and used, Larbi Bougerra believes, as a mirror held up to contemporary societies’ evils). They denounce (E. Ahlinvi) the illusion of a frozen tradition: “*We cannot act*, said Assane M’Baye, *as if our societies have not evolved*”. “*No society is unchanging*”, adds Ouidi Nabaa.

► The representation and sacred value given to public goods. Ousmane Traore and the Ouidi Naba remind us that, in Africa, and more or less by definition, the Earth is sacred, “given by God”, and cannot be considered simply as merchandise. To fail to take mystical aspects into account when considering reform projects is often a major error. Keita Moussa reminds us that, according to him, in the Mandé empire, public goods were considered as the double property of both the living and the dead. Every attempt to appropriate sacred, public goods, was therefore impossible, because even the ancestors, the dead would pursue the offender.

► The presence of the spirit of the ancestors in the representation of the past, present and future and the link with the spirit of the ancestors. This is recalled by Keita, when he says that in the Mandingue society, one of the three conditions for being a chief, after fearlessness and an analytical spirit, is the “n’gana” which means to be “in harmony with the spirit of our ancestors”. And the chief, says H. Magassa, is the eye who sees far in front of us, followed by the body, who brings together all the values and experiences of the past.

► The representation of knowledge and learning. Following the visit to the site of Kouroukan-Fouga, there was a discussion on the representation of knowledge, the status of diverse knowledge and the necessity of a dialogue between traditional and modern knowledge. Ousmane Traoré spoke of the initiatory concept of knowledge, and the elders whom we met on Tuesday expressed with great force their desire to contribute to the research we discussed with them. This idea of “popular” research, concentrated on traditional knowledge, capable of complementing or contradicting modern research, is supported by Fatou Camara who reminds us that “African wise men are scholars”. Mr. Bamba added for his part that, there is a need to establish an active dialogue between those who come from the three schools: that of the family and tradition, that from Europe and that of Islam.

4.2. Themes for follow-up and proposals

Due to lack of time, we decided during the synthesis in the afternoon of the 25th to merge this approach into the approach which follows (languages). Beyond the fact that everyone agrees on the need to pursue research in the area of tradition, no particular avenue was suggested.

V. Linguistic Approach: The role of the official language in the understanding of forms of legitimacy

5.1. Diagnosis and issues

Reforming the state in Africa requires us to give back a central place to national languages. Communities participate in what they can understand. The construction and codification of a “common desire to live together” must be undertaken in the languages and within the cultural references that these communities understand. Dwelling on the difficulties associated with the realisation of such a project cannot be justified in the face of a huge loss of sense, and of potential for community mobilisation and participation due to the use of foreign languages as working languages. “No nation has ever developed using the language of another”.

If every effort has been put into educating people and training them, this has not been done in the language and using the symbolism that they understand and to which they have easy access. As such, the capacities that are acquired will always be weak, marginal and incapable of bringing the society towards the ends being sought. On the contrary, they contribute to the entrenchment of inequalities, between an elite, educated in the foreign language, and the large mass of the population whose only fault is to speak only Bambara, Ouolof, Bamiléké... Reform of the state in Africa can not side-step this question whose only solution seems to be less complex, when we stop reasoning in terms of a western model of the state, “uniform” and centralised.

The particular issues surrounding this question are:

► How can teaching in national languages contribute to fundamentally anchoring the values of the republic in the individual and collective culture?

► Under what conditions in terms of the content of programs, can education in the national languages promote the process of learning which both motivates children to go to school and their parents to send them, especially in the countryside?

► What are the principal places where values and beliefs are created (the family, the extended family, cults, the community, school, places of work), where society should be investing in order to serve as a frame of reference and convey positive messages?

► How can we reduce the stigmatisation attached to ethnic consciousness, in a way which gives all elements of society the same rights and the same duties, in a way that adjusts to each community of the nation and gives them their own space for expression while preserving the unity of the nation?

► Should the integration of national languages also be accompanied by the redefinition of the context of the programme in ways that will guarantee a bigger impact on education?

› What should be the respective roles of different stakeholders (State, teachers, parents, partners in development) in the process of integration of national languages in teaching?

5.2. Themes for follow-up and proposals

› Translating parts of the proceedings of the conference into local languages was suggested.

› The Ouidi Nabaa suggested pursuing the idea of bilingual schools (African languages, French and Arabic)

› End the monopoly of the French language, by which, Imam Dicko believes “*intellectuals colonise*”. And, he adds: “*There is no social climbing possible today without French*”. For Richard Toé, legal measures can be taken in order to oblige civil servants to remove the monopoly of French: “*in five years, if you do not speak three languages, you will not have access to public money*”. But it is necessary, adds Bintou, for language to have a purpose. If a local language serves no purpose, if I cannot use it to solve a problem, then I am not going to learn it. Nonetheless, a member of parliament who speaks the local language is certainly more popular because he presents the issues in a language which can be understood. And yet, at the National Assembly, we have to use interpreters.

› For A. Deoulengar, the “how” of disseminating national languages is an important question. School cannot replace education by the families.

Finally, for E. Alinvhi, it is necessary to study the structure of language, to mobilise linguists in order to understand that structure and to then move on to political will and action.

annex

The Kourouganfouga Charter

I. Of Social Organisation

Article 1: The great Mandé society is made up of sixteen clans of quiver bearers, five clans of Marabous, four classes of Nyamakalas. Each of these groups has a specific activity and role.

Article 2: The Nyamakalas have the duty to tell the truth to the Chiefs, to be their advisers and to defend by their words the existing rules and good order in the whole of the kingdom.

Article 3: The Morikanda Lolu (the five clans of Marabous) are our masters and teachers in Islam. Everyone owes them respect and consideration.

Article 4: Society is divided in age groups. At the head of each a Chief is elected. Belong to the same age group the individuals (men and women) born in the same three year period. The Kangbès (the class between the young and the old) must be invited to take part in making the decisions concerning society.

Article 5: Everyone has the right to live and to the preservation of their physical integrity. Accordingly, any attempt at taking another person's life is punished by death.

Article 6: In order to ensure prosperity's victory, the Kon gbèn wolo is instituted to fight laziness and sloth.

Article 7: There will be between the Mandenkas the sanankunya (a good-humoured kinship) and the tanamayoya (form of totemism). Accordingly no difference arising between these groups should get out of hand, as respect for the other is the rule. Between brothers and sisters in law, between grandparents and grandchildren, tolerance and banter must be the rule.

Article 8: The Keita family is nominated as the empire's ruling family.

Article 9: The rearing of children falls to the whole of society. Accordingly all are invested with paternal authority.

Article 10: Let us have sympathy for each other

Article 11: when your wife or child runs away do not go and seek them at your neighbour's house.

Article 12: Succession being patrilineal, never give a son power as long as any one father is alive. Never give power to someone underage because he has property.

Article 13: Never offend the Nyara.

Article 14: Never offend women, our mothers.

Article 15: Never raise your hand on a married woman before failing to get the husband to intervene.

Article 16: Women, over and above their daily chores, must be associated to all our governments.

Article 17: Lies that have forty years of existence must be considered truth.

Article 18: Let us respect the birthright.

Article 19: Everyman has two step-parents: the parents of the girl that was refused and the word that was freely given. They are owed respect and consideration.

Article 20: Do not mistreat the slaves, grant them a day's rest a week and see to it that they stop working at a reasonable time. You are master of the slave, not of his burden.

Article 21: Do not pester with your attentions the wives of the Chief, the neighbour, the Marabou, the fetish priest, the friend and the associate

Article 22: Vanity is the mark of weakness and humility the mark of greatness.

Article 23: Never betray each other. Respect your word (of honour).

Article 24: Never wrong a stranger.

Article 25: The emissary has nothing to fear in the Mandé.

Article 26: The beast entrusted to you cannot rule the roost.

Article 27: A young woman can be given in marriage from puberty whatever the age. The choice of the parents must be adhered to no matter how many pretenders there are.

Article 28: A young man can marry from the age of 20.

Article 29: The dowry is of three oxen: one for the betrothed, two for her father and mother.

Article 30: Let us help those who are in need.

II. of Property

Article 31: There are five ways to acquire property: purchase, donation, exchange, work and inheritance. Any other way is dubious without a witness.

Article 32: Any object found with no owner only becomes common property after four years.

Article 33: the fourth calving of a cow in trust is the property of its keeper.

Article 34: An ox can be exchanged against four sheep or four goats.

Article 35: one egg out of four is the property of the keeper of the laying hen.

Article 36: To satiate one's hunger is not theft if nothing is being taken away in a bag or a pocket.

III. of the protection of nature

Article 37: Fakombè is nominated Head Hunter. He is responsible for the upkeep of the bush and its dwellers for the good of all.

Article 38: Before setting fire to the bush, do not look down at the earth but up at the canopy.

Article 39: Domestic animals must be tethered during the growing season and released after harvest. The dog, the cat, the duck and the chicken are not subject to this edict.

Final provisions

Article 40: Respect the family, marriage and neighbours.

Article 41: Kill your enemy, do not humiliate him.

Article 42: In important assemblies, be content with your legitimate representatives and be tolerant of each other.

Article 43: Balla Fassèkè Kouyaté is nominated as great master of ceremonies and the Mandé's leading mediator. He is authorised to jest with all the tribes and primarily with the royal family.

Article 44: All who will breach these rules will be punished. Everyone must see that they are observed.

Source: regional consultation workshop between Maninka communicators and traditionalists, Kankan, 3-13 March 1998.

