

PART I

Sources of power legitimacy in Central Africa: a “competitive diversity”

As everywhere else, the legitimacy of power in Central Africa presupposes considerable complexities and results from the interaction of many sources. It would be pointless try and list them exhaustively. Nevertheless, the debates highlighted four main sources of legitimacy at work in the sub-region: tradition, religion, ethnicity and international normativity. These sources were shown to work in tension with each other. They coexist, compete, in some cases converge, and in others diverge. The debates offered a wealth of illustrations of those tensions, which, as we shall see more precisely in part II, hinge on each other in different ways. For the present, let us address the constata-tion of what could be called a “competitive diversity” between the sources of legitimacy singled out.

Tradition: what role for chiefdoms in Central African societies and states?

The Bamako Meeting’s debates, which took place in January 2007², had highlighted the importance of “tradition” as a source of power legitimacy in Western Africa. The Yaoundé Meeting also cast a light on what made the taking into account of tradition a prerequisite to understanding governance in Central Africa. As shown by examples in Chad and Cameroon, regulation via traditional chiefdom is indeed very dominant in the population’s everyday life.

2. The Bamako Meeting proceedings are available on the IRG's website at: <http://www.institut-gouvernance.org/fr/ouvrage/fiche-ouvrage-28.html>>

THE COOPTATION OF TRADITIONAL CHIEFDOMS INTO THE PUBLIC SERVICE IN CAMEROON

In Cameroon, before colonization, the traditional chief was the community's foremost authority. People considered his every word as being an affirmation of tradition and revered his opinion during the palavers organized when conflicts arose. Colonization sought to transform traditional chiefs into colonial administrators - by force if necessary. Independence led to a reorganization of traditional chiefdom as a whole. Thus, the new political regime of Cameroon promulgated on December 19th 1969 a decree whereby the transcripts of traditional chiefs' decisions were given force of law. For example, when a chief handled a dispute between parties, he would settle the matter according to tradition and his decision would henceforth stand in law - although modern law took precedence over customary law since it was possible to appeal before the *sous-préfet* or the courts.

This way, traditional chiefdoms gradually regained some power - to the point that some chiefs felt they could invade a neighboring *département* (county). Consequently, in 1977, in an attempt to contain the chiefs, Cameroon's civil service reorganized by decree the architecture of its chiefdoms. They were divided into three tiers:

1st degree chiefdoms, at the *département* (county)⁴ level, were to be led by a king, a sultan or a "fons";

2nd degree chiefdoms, the so called *groupement* or *canton* or *arrondissement* (district) chiefdoms, were to be led by civil service registrar officers with competence to celebrate marriages;

3rd degree chiefdoms at the village or neighborhood level were to be led by 3rd degree chiefs.

The decree of June 15th 1977 restricted these chiefs' powers to their respective constituencies, but not before making them the agents of the administration. In this capacity, with the notable exception of 3rd degree chiefs, they were paid by it. This cooptation of the chiefs into the public service is unlikely to have gone without impacting their own legitimacy.

Indeed, today, traditional chiefs are gradually losing their influence, and the more so since the administration - anxious to keep a check on the morality of the people chosen - intervenes in the selection of the chiefs. This is often used as an argument to accuse them of consorting with politicians and in some cases chiefs have actually been burnt in the past. As for 3rd degree chiefs, they suffer as a result of their lack of financial compensation. In colonial times, they were paid in kind by the population who allotted them a share from their own produce, but the growth of the cities and the loss of bush land mean that people no longer have land to work and thus less produce for the chief. Land registration is another dwindling source of income as a result of the scarcity of available plots in the cities: "*the*

chief goes unnoticed as new owners don't need him." In some regions, some chiefs end up resigning.

However, the situation is not the same in the whole country. The relation to tradition and the power of its exponents varies a great deal. If the degradation we have just mentioned is evident in the center of the country, around the coastal areas, to the South and East, the administration is notoriously proactive. Furthermore, things are quite different in the regions of the so called "great North" or "great West" where chiefdoms are said to be "autonomous" because the administration does not interfere with their internal management.

TRADITIONAL CHIEFDOMS IN CHAD: BETWEEN POWER OF INFLUENCE AND DISPUTED LEGITIMACY

Although Chad experiences today a situation fairly similar to that of Cameroon with regards to its traditional authorities, the evolution they went through proves rather different. Paradoxically, it indicates support from the colonial authorities, followed by the hostility of the independent state's new political authorities.

Before the colonization, Chad was run by traditional authorities the powers of which were proportioned to the importance of their kingdoms. These entities had well managed administrations and diplomatic relations with their neighboring countries, empires, and even European countries. For example, the Kingdom of Kanem had relations with that

of Bornu in Nigeria while the Kingdom of Ouaddaï had even signed a military agreement with the Ottoman Empire.

The efficient organization of these entities led the colonizers to rely on them in order to run the Chadian territory. Thus, its traditional chiefdoms were involved in the development of transport links and their upkeep, the promotion of schooling, the collection of state revenues, the fight against banditry, etc. While the colonial administration appreciated such chiefdom activity, the population was divided. Some people thought that tradition and customs were preserved through the chiefs, while others concluded that traditional chiefdoms had become the instrument of colonization, coercing the people into arduous projects.

With the proclamation of the Republic in 1958 and under pressure from the new generation of politicians, traditional chiefdoms would no longer have the same power and felt abandoned by the administration. Some traditional chiefs were suspended or dismissed. In 1969, a state commissioned project of administrative reform blamed the malfunctioning of the administration on the suppression of traditional chiefs, who it acknowledged are the link between the central power and the populations. Consequently, traditional chiefdoms were reinstated in Chad.

Nowadays, traditional and customary power is organized as follows:

The *sultans* have authority over the sedentary populations in several *sous-préfectures* (district);

The *canton chiefs*, manage several villages of sedentary population within one single *sous-préfecture*;

Equal to the *canton chiefs*, the *tribal chiefs* are in charge of several *feriks* of nomadic populations

The *groupement chiefs* manage an intermediary entity between the canton and the village whether sedentary or nomadic;

The *village* or *ferik chiefs* manage the smallest communal entities.

As auxiliaries of the administration, traditional and customary authorities have administrative responsibilities (safeguarding the traditional heritage and assisting the administration in its duty of caring for the population, contributing to keeping the peace, maintaining a registry of births, marriages and deaths, taking an active part in population and property census and in awareness campaigns for the schooling of children, especially girls) and judiciary duties (collaborating in the hunt of criminals and handing them over to the administrative and legal authorities). Furthermore, they also exercise conciliation powers in civil and customary legal disputes (after a conflict is settled, a minute signed by both parties and approved by the conciliator is sent to the administrative or legal authority) and authority in economic and financial matters (tax collection, protection of places of worship and of the environment, supervision of the activity of NGOs operating within their territorial remit).

Traditional and customary authorities are chosen among the ranks of the local traditional chiefs. In the event of a death, destitution, physical or mental disability, the title is taken over by someone in his or her lineage, chosen by the family council. As a throwback from the conflict with Chad's political parties, traditional chiefs are subject to an obligation of neutrality. They are barred from political party activities and must resign their functions if they wish to become involved in politics. It is a fact that traditional chiefs come under attack every time multipartism is reinstated, as the political parties accusing them of being subversive to the central government and of being an obstacle to the emergence of opposition parties. The constitution of March 31st 1996, the result of the deliberations of the Sovereign National Conferences, provides for traditional chiefdom activities. A law concerning chiefdom status was only adopted in 2008, twelve years after the constitution - which is symptomatic of the mistrust politicians feel towards traditional chiefs.

Just like in Cameroon, Chad's traditional chiefdoms offer a mitigated review of the effectiveness of their powers: *"what future for traditional chiefdoms?"* a pessimist contributor asked. Others reckoned that if the chiefs are losing their legitimacy, it is because *"they do nothing but prey on the population"*, or because they cultivate a *"taste for modernity. The chiefs prefer large air-conditioned cars to the old tradition of being carried [...] the problem is that that sort of thing makes them financially dependent on the political*

power who then takes advantage of them, resulting in their moral authority being diminished".

And yet many participants considered that although diminished, tradition continues to have an important part to play. *"Traditional authorities remain depositaries of authority. Traditional chiefdoms have their place in society. They have the people's ear when the national authorities fail to make decisions."* And there is no want of examples to prove it: *"In Chad, the decentralization process is stuck because the status of traditional authorities has not been defined"*, a participant asserted. Another told of how villagers refused to submit to a diagnosis in the framework of a local development program because their majority did not recognize the chief's legitimacy. *"As long as traditional chiefdoms are not free and truly arising from the populations, it will be difficult to set up development projects as the local people will not follow."* Yet another participant reminded the audience that in the Republic of the Congo, under its Marxist government, the political power, aware of traditional chiefs' importance, upheld the role of tradition within the *"popular courts"*, but appointed people who did not have any traditional legitimacy - most often civil servants from the established power. It was a failure. These few examples speak volumes for the populations' attachment to an institution deeply rooted in African culture and which is a source of legitimacy for the political power.

Many speakers endorsed the following statement: *"Because it represents diversity, tradition is a source of legitimacy.*

We erased tradition because of the belief that it conveyed our backwardness and our ineffectiveness, without realizing that ethnic groups are necessary articulations of humanity for all beings. One is born in an ethnic group, in its broadest sense. One is not born an abstract citizen, but is always born in a genealogy-aware community. We must take on the traditions.” This said, tradition is never “fixed or mummified, it is progressive, it takes into account other inputs”. This was insisted upon by a member of the Catholic Church who was in turned backed by another participant who observed that these days chiefs were given “*interesting work, such as the fight against Aids or mediation in marriages”*.

Decentralization was one of the approaches suggested in order to recreate the linkage between political and traditional powers: “*the next decades will be defined by the local authorities. This is not just about decentralizing the administration but more specifically public management. Institutions and processes need to be re-anchored in the reality of our societies. African people must recover their self-esteem. We will not belong in the world if we do not belong at home and the best way forward is to revert to the local”*, a Malian contributor stated. Faced with the crisis of the regulatory mechanisms of African societies, it is important to open a discussion so that traditional chiefs can recover their stabilizing role in society and that their authority be officially reinstated.

The growing political and social influence of religion

Alongside tradition, religion remains a key source of legitimacy in Central Africa. To the regulations ferried by classically "established" religions must now be added those of the increasingly influential new "popular religions" such as the Pentecostal-Charismatic *Églises du réveil*.

Strong in their beliefs and in their values, encouraged by their ability to mobilize and to organize their flock, religions increasingly play a public if not political role. They encourage their followers to seek positions of power in the hope to inject their religious values and convictions into the political sphere. Furthermore, the Church holds that citizens are not obliged to observe civil authorities' prescriptions if they are in conflict with the moral imperatives, fundamental rights, and teachings of the Gospel.

Christian based communities have become places of sharing and of active solidarity, means of mobilization and fund raising via congregational giving. They are gradually becoming centers of civic and electoral education, centers from which a new kind of social leadership can rise, capable of offering an alternative to corrupt local authorities. Some Catholic action movements support the Church's activity and encourage a militant spirituality.

In Central Africa, classically established and strongly hierarchical churches, such as the Catholic Church, enjoy great credibility and act as true counter-powers. Having played

an active role in the fight against the dictatorships, then presiding over the National Sovereign Conferences (Mgr E. Kombo in Brazzaville, Mgr L. Monsengwo in Kinshasa) during the democratic transitions, the Catholic Church is honing new strategies linking prophetic action, awareness techniques, and diacony in order to meet the challenges of peace and governance in Central Africa.

The bishops, gathered in national or regional Episcopal Conferences (viz. the ACEAC5), keep up a steady flow of declarations condemning governmental abuse, Human Rights violations or the ambiguous role played by the international community. Not stopping at denunciations, bishops put forth recommendations and propose solutions so as to help the governments face their challenges. Thus, in the Democratic Republic of the Congo, amidst a war-torn background, the Catholic Church has prioritized the organization and reactivation of its Peace and Justice pastoral activities so as to raise awareness about the population's rights and duties and help them make responsible choices with regards to societal projects that take into account the common good and the respect for human dignity.

However, the Catholic Church's inroads into public space are met with fierce competition from the "popular Evangelical Churches" who through the rhetorical verve, divination practices, and the instrumentalization of Catholic imagery are bringing forth a new type of charismatic legitimacy. For instance, the *Églises du Réveil* have become the places of emergence of a new sociality. "In the *Églises du Réveil*,

even if they are selling dreams, they make people aware that they can succeed, that they are not condemned." All told, these churches advocate a discourse according to which any political or economic awakening is always preceded by a spiritual one. These churches call upon large crowds to abandon 'anti-values' (e.g. polygamy, magic and corruption). They seek to bring out a new conception of power that must rest on a number of values that can be found in traditional society (integrity, good morals, responsible leadership) and which disappeared in the seventies and eighties.

Overall, religion, whether 'classical' or 'popular', is raising its profile in Central Africa. The participants stressed that religion is an active party to changing mindsets and helps mitigate ethnic and/or regional allegiances. Some participants suggested that the state could entrust them with specific missions but our analyses rather favor the idea of a separation between the religious and political powers.

We shall see in greater details in Part II the articulation that takes place between the sources of legitimacy identified here, among which tradition and religion appear to play a major role. But it will have escaped no one that in those very exchanges on tradition and religion, the question of ethnicity was set forth by the participants.

Ethnicity: what role in the construction of citizenship?

The question of ethnicity frequently came up as participants discussed the sources of power legitimacy in Central Africa. The debates sought to steer a path between condemning the manipulations it can lend itself to and finding ways to build it into the concept of citizenship.

ETHNICITY AND THE RISK OF ETHNICIST HIJACKING

Many examples attested to manipulative maneuvers around ethnicity. Concretely speaking, this practice is manifest in strategies deployed in the conquest of political power: *“now days, when campaigning, you go to your home-region to garner votes. As a result, you end up electing not the bearer of a political project but the native of the region. If this continues, it will always be the same regions that will be in power! Those in ethnic minorities are tempted to resort to violence and once they are in power, they don’t readily let go of it because they know that going through the normal processes they would not get in.”* Again referring to his country, the Republic of the Congo, a participant explained how ethnicity is binded with village solidarity. The community thinks that if it succeeds in getting one of its sons in power, he will be in a position to resolve his home-town’s problems as a priority. Likewise, he will work with the village’s sons who will not betray him because of

the community's oversight and customary pressures: *"it becomes a vicious circle. Those who do not belong to this community see this as the power of another. This causes a real legitimacy problem."*

While the assembled participants were especially attached to observing the pervasiveness of communal identity, they also, to a lesser extent, addressed the issue of its explanation. Some wondered whether the pursuit of central and local power did not reinforce the feeling of ethnic belonging, obstructing in the process the identity of the political actors. Conversely, others considered that since 1960, the African states had committed to the reconstruction of national identities, which contributed to the crushing of ethnicity. But the debates were essentially focused on finding means to fight ethnicist abuses. However, the point was not about negating, or indeed reneging on ethnicity which is a fully integrated part of Central African culture and diversity. The concept must therefore not be rejected, the challenge for legitimate democratic governance residing precisely in the management of this diversity and its affiliations.

ETHNICITY, KEY CONCEPT FOR AN ADAPTED CITIZENSHIP

Power is legitimate when it takes into account the full range of sources of legitimacy interacting within societies. From the debates, it became apparent that since colonization public management in Central Africa has been

conducted by bypassing the citizens - especially in contexts' of high illiteracy rates and populations that mostly don't speak French. Such situations are fraught with difficulty in countries where the administrations express themselves only in French: *"A villager who does not speak French is not likely to feel involved with an administration with whom he cannot communicate."* Does it make sense in this context to rush through an abstract model of citizenship inherited from Western democracies? A speaker wondered aloud about *"some ideologies which are not universally embraced in the West but have worked their way here. We copy them without taking our own parameters into account"*.

An illustration taken from South America offered an interesting point of comparison. A speaker who is doing research work in Colombia reminded us that the citizenship model inherited from France - the very same it attempted to export to Africa - was brought into question starting in the 1970s. Although *"the intention had been for all citizens to be equal in rights, in practice, it became clear that this social pact was not respected since it ended up creating 'second class citizens', as was the case for the 'indigenous' populations."* As a result, Aboriginal Indian and Afro-Latino-American organizations mobilized in order to bring this model into question and re-position their values at the heart of the debate. This has brought about significant changes over the past twenty years as these associations

moved to shift the universalist citizenship model towards a diversity-aware citizenship model.

Colombia has taken a pioneering role in this matter. Even though its Indian populations are but a minority (4% of the whole population of the country) and a highly diverse one at that (84 ethnic groups and 64 languages), its 1991 constitution expressly recognizes the "value systems specific to these communities". In the process of civil society participation to the constitutional debate, the point for the grassroots organizations was not to shun the state or to dispute its authority but to demand that it took ethnicity into account. Colombia, along with some other Latin American countries, has thus enshrined the idea of a "different citizenship". This represented a major breakthrough, especially when remembering that the Indians were for a long time legally considered as "savages to be civilized". As of 1991, the Colombian constitution recognizes Indian languages, double nationality in border zones, access to a collective territory, the community's power of jurisdiction over its members, access to some of the nation's resources, etc.

However, the situation is not quite idyllic. After twenty years of constitutional multiculturalism in Colombia, problems do arise. For example, tensions between Indian populations (different groups claiming the same territory), between Indians and other groups that have yet to be recognized by the state, and even issues linked to a form of dependency towards the state (because when conflict arise,

the concerned parties have to turn to state institutions). The constitutional recognition of multiculturalism cannot be an end in itself; the current concern is to strive towards, along the lines of participatory democracy, a new intercultural and multi-actor deliberation forum so as to secure a better articulation between the populations and the state.

This Latin American example provides much food for thought when contemplating a comparable approach for Central Africa so that a somehow “endogenous” form of citizenship may come about. One that would take into account the “value systems specific to the communities” of Central Africa.

Does the states’ quest for international legitimacy endanger their internal legitimacy?

As we have seen, Central African states’ internal legitimacy is fragile. Indeed, participants talked of “suspended states” busy seeking legitimacy at the international level before all else. This formula describes states vested with legal and formal legitimacy but limited in terms of real capacities. Moreover, fragile states such as the ones in Central Africa, seek elsewhere a legitimacy that they do not develop within their own borders. *“Blighted with an internal legitimacy deficit, Central Africa’s diverse state formations have bought into a quest for international legitimacy”* which is

understood as *"the way a state order has itself recognized as credible at the international level"*.

Participants stressed that Central African states *"always refer to a legitimacy coming from without"*, seeking to mobilize it to their advantage. Accordingly, what amounts to *"institutional marketing and postcard diplomacy"* culminates in an *"extroverted management of the state"*. Central African states' quest for international legitimacy started with their joining of forums emblematic of pan-African internationalism. The states in the sub-region concerned here thus systematically joined the strategic-diplomatic frameworks defined by the Organization of African Unity (OAU), which then became the African Union (AU), and its subsidiary institutions (Lagos Plan of Action in 1980, African Charter on Human and Peoples' Rights in 1981, Mechanism for Conflict Prevention, Management and Resolution in Africa in 1993, etc.).

But of course, it is at world level that these state's quest for legitimacy finds its strongest expression, with first and foremost their accession to the United Nations (UN) - which was set as a priority for the new independent states between 1960 and 1975: *"these days, a state gains international credibility only when it joins in that community."* The principle of sovereign equality of states upheld by the UN is in this respect an essential legitimating element for African states, especially for those with less capacity than others.

For all that this quest for international legitimacy is *"pretty much an obligation"* for any sovereign state, the debates

highlighted the fact that in Central Africa, the problem lies with the states' neglect of their internal legitimacy. Indeed, their strategies rely on the idea of "sovereign domination": *"states with fragile sovereignty claim their international legitimacy the more firmly"* since they have no internal legitimacy. The populations along with traditional chiefs and/or religious representatives feel abandoned. *"Locally rooted policies are overlooked in favor of the implementation of policies devised elsewhere. Traditional and religious authorities are neglected by the state in its search of international legitimacy."* As a result, problems proliferate. For instance in Chad, the decentralization process has been blocked due to the lack of a definition on the status of traditional authorities. Moreover, the country's family code, its compilation having been *"financed by the international community"*, was rejected by country's religious authorities because they were not consulted in its elaboration.

However, as the Chad-Cameroon pipeline project will demonstrate, the preponderance of international legitimacy has its limits. In the framework of this commercial project, which is linked to the exploitation of the Doba oilfields in Southern Chad, an agreement had been passed between the Chadian government, multinational oil companies, and the World Bank. The agreement included clauses that provided for benefits from the operation be accrued by the population via mechanisms for managing and sharing oil resource revenues (notably with the producing region) in order to alleviating poverty.

But a change in the political context brought a change in the balance of power. The 2006 oil price peak, the repeated paramilitary attempts to overturn the Chadian government, and a serious social crisis caused the Chadian government to review these agreements, unilaterally altering the law on the management of oil income in order to divert a part of that income towards the fight against the paramilitary opposition. This led to a crisis between Chad and the World Bank, to the expulsion of two of the three involved oil companies, and to the withdrawal of the World Bank from the project after the early refunding of the loans it had emitted.

This goes to show how international legitimation can also be a sham: governments pretend to accept commitments "*but they implement sabotage policies*". This is also the case with the African Charter for Democracy that is having trouble getting under way because the states do not want to commit to its restrictive instruments.

