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Wasted Citizenship? Reclaimers and the Privatised Expansion of the Public Sphere

Melanie Samson*

Abstract

A large body of literature explores changes in the public sphere related to the transfer of services and activities performed by the public into the private sector. Less attention has been paid, however, to the privatised expansion of the public sphere. This article explores such a process in Metsimaholo, South Africa, where the municipality sought to bring landfill recycling into the realm of public policy through a public-private partnership. As informal reclaimers had salvaged recyclables at the dump for several decades, this contract amounted to an enclosure of the waste commons which dispossessed them of control over their livelihood and confined them to the informal economy. Countering structuralist accounts of accumulation by dispossession and top-down approaches to governmentality, the article focuses on how reclaimers contested these processes. It argues that before the reclaimers could negotiate with the state, they needed to mount an 'ontological insurrection' to counter their dismissal as mere 'detritus' and demand that the conception of the public sphere be expanded to include them as legitimate actors in the realm of public policy. While this may result in a reconfiguration of the public sphere, it is unclear whether it would challenge the current privatised nature of its expansion.

Résumé

Il existe une littérature abondante sur le transfert des services et activités du domaine public vers le privé. Cependant, la privatisation de l'expansion de l'espace public a été négligée. Cette étude analyse les processus sociaux de contestation par lesquels la Municipalité de Metsimaholo, en Afrique du Sud, a cherché à formaliser la récupération des matériaux recyclables sur la décharge publique de Sasolburg et à

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ramener ces activités dans la l'espace de la politique publique à travers un contrat signé avec une compagnie de promotion économique des noirs. Les récupérateurs informels ayant pratiqué la récupération sur cette décharge pendant de nombreuses années, cette tentative par la ville revient donc à interdire l'accès à cette décharge collective privant du coup les récupérateurs du contrôle de leurs moyens de subsistance. L'article défie la perspective structuraliste de l'accumulation par la dépossession et de l'approche paternaliste de la gouvernance. Cette étude analyse la résistance des récupérateurs par rapport à ce processus. Elle défend qu'une « insurrection ontologique » était nécessaire de la part des récupérateurs informels avant de pouvoir négocier avec l'Etat et contrecarrer le rejet qu'ils subissent comme les « détritus », et exiger que l'expansion de l'espace public les prenne en compte en tant qu'acteurs légitimes dans l'arène des politiques publiques. Même si ceci peut résulter à une reconfiguration de l'espace public, le fait que sa nature privatisée puisse être remise en cause n'est toujours pas évident.

Introduction

In the context of two decades of neoliberalism, a large body of literature emerged, analysing the implications of privatisation for the role and nature of the state. Writing within the same period, Marxist scholars were careful to point out that, contrary to neoliberal rhetoric, rather than withdrawing, the state's role was being transformed to focus more explicitly on facilitating the functioning and internationalisation of the market in the interests of capital accumulation (Panitch 1994). Foucauldian scholars also argued that through processes of neoliberal 'governmentality' the state was extending its reach into the lives of citizens in order to shape and influence how they govern themselves (Burchell 1996; Larner 2000; Rose 1996). The neoliberal state was therefore still very much present in the economy and society, and in many ways its scope was expanding, not contracting. Despite these insights, the literature on privatisation, even when critically engaging with Foucauldian approaches,[1] still tends to focus on what happens when services previously provided by the state are pushed outside of the public sector and into the private. Less attention has been paid to the privatised expansion of the state, in which new services and activities are being brought into the public domain via public-private partnerships. The importance of interrogating such processes takes on increased significance in the current conjuncture, as states are proactively intervening in the market in new and vigorous ways to help revitalise the post-crisis capitalist economy.

Waste management provides a particularly useful lens through which to explore these issues, as the moment of neoliberal state restructuring coincided with an increase in environmental awareness and a shift to the promotion of 'sustainable waste management' approaches that focus on 'reduce, re-use, and re-cycling'. Local governments were therefore extending their waste management systems to include recycling at the very time that they were privatising existing waste management services as part of a generalised shift to the 'contracting local state' (Harden 1992).

Within post-apartheid South Africa, local governments face additional pressures to pursue privatised approaches to formally include recycling within the public sphere. At the time of South Africa's democratic transition, the provision of waste management services was inadequate and highly unequal – in 1995 whilst over 90 per cent of Indian and white and 82 per cent of coloured households had their refuse removed by the local authority. This was the case for only 38 per cent of African households. Twenty per cent of African households had no access to any refuse removal whatsoever (Central Statistics 1998:14). South African municipalities therefore face a tremendous challenge in extending service delivery to previously unserviced areas within a context where rocketing fuel and land prices have dramatically increased the costs of waste management, and neoliberal marketisation of municipal government has decreased revenue available and intensified pressures for services to be financially self-sufficient (Barchiesi 2007; Harden 1992; McDonald 2002; Samson 2007). Since the adoption of the National Waste Management Strategy in 1999 (Department of Environmental Affairs and Tourism and Department of Water Affairs 1999) the South African government has promoted a 'cradle-to-grave' approach to waste management which foregrounds recycling as a means to reduce the amount of waste going to landfills. As recycling has long been conducted by informal reclaimers and buyers who function independently from the state, the incorporation of recycling into municipal waste management systems represents an expansion of the public sphere. Most municipalities are, however, preferring to implement this extension through public-private partnerships in which companies are granted exclusive right to reclaim materials on municipal landfill sites.

As the ILO points out, although the waste on municipal landfills is technically the property of the relevant local municipality, until waste systems are formalised waste is better understood as a common property resource. Granting a private company exclusive right to reclaim material from a dump therefore requires a municipality to enclose the garbage at the landfill and transform it into private property, the rights to which can then be sold or rented to the company (International Labour Organisation 2004:22). This approach to incorporating recycling into the public sphere can, therefore, be

understood as part of the broader process of 'accumulation by dispossession' (Harvey 2005) in which neoliberal governments are creating new spheres of accumulation for capital. Importantly, by transforming garbage into a commodity which private companies will pay to access, this process also creates new sources of revenue for cash-strapped councils whilst simultaneously decreasing the amount of space (and financing) needed for landfills.

As noted by Hart (2006) and de Angelis (2006), rather than being the simple outcome of structural necessities, accumulation by dispossession must be seen as a contested social process. When exploring the enclosure of the waste commons, it is therefore critical to interrogate how this process is shaped by, relates to and reconfigures social relations within the sector. This paper contributes to this agenda by exploring the paradoxical position of informal reclaimers in processes to enclose garbage and bring recycling processes into the formal, privatised public sphere. It is based on a case study of the contested history of public-private partnerships for the reclamation of recyclable materials from the Sasolburg landfill site in the Metsimaholo municipality in South Africa's Free State province[2].

The paper traces the processes through which reclaimers[3] established their informal rights to the garbage on the Sasolburg landfill, staved off the enclosure of the landfill for an extended period of time and managed to negotiate the terms of their integration into the formal economy. Based on analysis of the activities and self-definitions of reclaimers, the paper argues that they could be seen as prototypical 'neoliberal citizens' proactively mobilising to promote their self-interest and sustain their own livelihoods (Rose 1996:158). However, the national state failed to grant them legibility within the sphere of legislation and public policy, and as they were viewed as the 'detritus' (Chari 2005) of modern society, the local state actively discriminated against them in the practices of governance. As a result, they were not considered to be legitimate participants in public policy processes related to the formalisation of recycling on the landfill. The extension of the public sphere via the granting of a contract to a private company to recycle materials on the Sasolburg landfill therefore exacerbated the marginalised position of the reclaimers. Rather than building a bridge out of the second and into the first economy, as is the stated objective of South African policy (ANC NGC 2005), this process threatened to contain the reclaimers within the informal economy and preclude their active participation in public processes. Although the reclaimers had been unable to significantly shift this terrain, contrary to the top-down assumptions often made in the governmentality literature, they were not passively accepting the ways in which they were constructed and treated by the state. They rejected the

label of 'scavengers' and were actively organising to assert their right to participate in and shape the nature of the extension of the formal waste management system. As such, they were mounting what Judith Butler refers to as an 'insurrection at the level of ontology' by seeking to expand the notion of who is a legitimate actor within the public sphere (Butler 2004:33). However, whether this will challenge the current neoliberal nature of expansion of the public sphere remains unclear.

In order to substantiate this argument, the paper begins by providing an overview of the contested processes to privatise and formalise recycling on the Sasolburg landfill. The remainder of the paper then seeks to theoretically unpack that history. The second section draws on Chari's notion of detritus (Chari 2005) to reflect on why, despite the fact that reclaimers exhibited many of the characteristics of neoliberal citizens, they were rendered invisible within waste management policy and legislation and actively discriminated against in practice. The third section examines the attempts by reclaimers to reconfigure the public sphere and their place within it. The final section summarises the key arguments made in the paper and reflects on the broader implications of these struggles for the neoliberal nature of expansion of the public sphere to include recycling.

Contested Processes to Formalise Recycling at the Sasolburg Landfill

The Sasolburg Landfill is located 3.6km from the town of Sasolburg in the Metsimaholo Municipality in South Africa's Free State Province. Metsimaholo is comprised of Sasolburg, Zamdela, Viljoensdrif, Coalbrook, Deneysville and Oranjeville. The town of Sasolburg was founded in the 1950s to provide housing for skilled white workers employed by the petro-chemical company Sasol, while the township of Zamdela provided single sex accommodation for black male Sasol employees. With the decline of the apartheid era's influx control, Zamdela became the home to many families. In 2008, more than 50 per cent of Metsimaholo's population of 173,448 resided there (Kwezi V3 Engineers 2008:18). In 2006, Metsimaholo's official unemployment rate was 33.4 per cent, which was slightly below the national average (Metsimaholo Municipality 2008:36). In 2008, agriculture was the largest local employer, accounting for 30.7 per cent of employment, and only 13.1 per cent of employment was in the manufacturing sector (Metsimaholo Municipality 2008:47). However, as will be elaborated below, Sasol continued to dominate the political landscape and have tremendous influence over the local council.

The Sasolburg landfill was established in 1951. It is the main landfill servicing the Metsimaholo Municipality, with two smaller landfills located in Deneysville and Oranjeville. The Sasolburg landfill receives domestic waste from Zamdela and Sasolburg, as well as industrial waste from the large number of factories in the surrounding area. It was estimated that in 2008 the landfill received 90 tonnes of waste per day.[4]

The temporary permit received by the landfill in June 1990 expired and the site was not permitted at the time of the research. In reality, it was more of a dump than a landfill. It was not lined, there was no weighbridge and a fence was only been erected in 2008. Reclaimers reported that hazardous waste was frequently dumped at the site. Municipal presence at the dump was minimal, with only one municipal employee toiling alone with a bulldozer to cover the rubbish and one permanent employee keeping records of the vehicles that entered the site.

By contrast, there was a thriving community of reclaimers at the dump. Reclaimers had been salvaging recyclable material from the dump since at least the 1980s. While a small number of those interviewed had worked on the dump for more than fifteen years, the majority had taken up the work of reclaiming within the previous eight years. As in other places across South Africa and around the globe, as unemployment rose due to neoliberal restructuring, reclaiming became an increasingly important livelihood strategy for those excluded from the realm of wage labour (see for example, Medina 2007; Webster et al. 2007; Millar 2006). Contrary to the common assumption that reclaimers have low levels of education, many of the younger men on site had high proficiency in English and had completed some secondary education. Most of the older men and women interviewed had previously held other employment but, since being retrenched or dismissed, had been unable to find other paid jobs. One of the young, male reclaimers explained that they had resorted to reclaiming as, 'it is just that we see there are no jobs and we must make our own'.

The reclaimers were primarily seSotho speaking South Africans who lived in the surrounding townships and informal settlements. Some previously lived on the dump itself. However, after years of failed attempts, the municipality succeeded in evicting them early in 2008. The reclaimers had divided themselves into two groups, based on the type of materials that they collected. Due to the social division of labour, this separation was also broadly based on gender and age. Collection of scrap metal was the exclusive domain of young men who formed a group called Ditamating[5] Scrap Metal Project. The women and older men who worked on the site collected paper, plastics and glass. They were organised into the Ikageng[6] Landfill Committee. Both organisations were registered as closed corporations.

Ditamating and Ikageng had carved up the space of the landfill and demarcated separate working areas where they sorted and stored their materials. Although the reclaimers from the two groups passed through each others' spaces and sometimes rested or laboured near one another, there was a clear spatial division between the two groups. This was a stark, physical manifestation of the long-standing tension between them. Although members of Ditamating said they were willing to work with Ikageng, the older men and women alleged that the young men were ill-disciplined and disrespectful and that they poached their materials. Ikageng members insisted that they could not and would not work collaboratively with Ditamating.

Despite these divisions between the two groups, the interior of the dump was clearly the domain of the reclaimers. They had designed the physical layout of the dump around the working face, and aside from regular battles with the bulldozer driver over the pace at which he covered the garbage, they had almost complete command over the labour processes through which they retrieved and sorted materials. However, as will be elaborated below, the violent enforcement of a contract that granted a private company called Phutang sole property rights to the dump's garbage dramatically curtailed the ability of the reclaimers to control the remaining processes through which reclaimed materials were transformed back into commodities.

This contract was not the first time that the municipality had tried to formally incorporate recycling on the dump into the waste management system via a public-private partnership. This type of privatised expansion of the public sphere was first attempted in Metsimaholo more than twenty years ago and there had been several previous contracts with other companies. Within each of these contracts, the actual work of reclaiming recyclable materials was performed by the informal reclaimers, who technically were allowed to remain on site only if they sold their materials to the company holding the contract. However, the terms of the contracts were never fully implemented. As the municipality failed to fence the site and provide adequate security, the companies could not establish their claim to the physical space of the dump. Although by all accounts the paper, plastic and cardboard reclaimers mainly sold to the contract holders, they could also arrange transportation to sell their goods to buyers offering higher prices in other locations, or could sell to other buyers who made it onto the dump itself. According to the scrap reclaimers, the penultimate company did not deal in scrap, and so they developed an ongoing relationship with a different buyer. The companies holding the contract refused to pay rent as their monopsony power was not realised and no recycling infrastructure was developed at the dump. In this period, inclusion of recycling in the public sphere amounted to nothing more than placing tremendous pressure on the reclaimers to sell to one particular buyer.

In approximately 2004, presumably due to insufficient profits, the company holding the contract abandoned its operations at the dump. This vacuum created space for the reclaimers to assert control over the sale of their products and negotiate the terms on which they related to the formal recycling industry. The reclaimers dealing with paper, cardboard and plastic arranged with DJ Afvalpapie, one of the largest purchasers of these materials in the region, to provide them with skips and collect their materials on a regular basis. The scrap reclaimers realised that by bargaining with different buyers, they could obtain higher prices. Rather than selling to only one buyer, they developed relationships with three different purchasers. They also began to work and sell their goods collectively. As they were selling in bulk, they managed to obtain higher prices and significantly increase their income.

The reclaimers were now unofficially in charge of the recycling processes at the dump. They aspired to formalise their place within the waste management system and have their role recognised in the public sphere. Both groups of reclaimers asserted that during this period, they were told by the Assistant Manager for Health and Cleansing Services that if they wanted to receive the contract, then they would have to form a collective, as the contract could not be given to individuals. According the reclaimers, this was the catalyst for the formation the Ditamating Scrap Metal Project and the Ikageng Landfill Committee. The municipal officials denied that during this period, the reclaimers were organised or indicated an interest in obtaining the contract for themselves. What is, however, undisputed is that the reclaimers were neither informed nor consulted when a new contract was awarded without having been advertised or put out for public tender. The informal reclaimers who performed the labour of salvaging materials from the dump and who had been effectively running the recycling processes for an extended period of time, were rendered invisible and not seen as stakeholders in this public policy process.

By contrast, significant assistance and resources were provided to two black, male professionals from Zamdela to help them to build their newly formed Phutang recycling company and secure the contract. By their own admission, neither of the aspirant entrepreneurs had any real experience with recycling.[7] However, they saw that there was an opportunity to make money from recycling. They approached Council to obtain the right to recycle at the landfill and requested financial assistance from Sasol to help them start the business. According to a representative of Sasol, once the entrepreneurs had received in principle agreement from Council, Sasol assisted them in securing the necessary equipment[8]. Sasol could not provide funding to entrepreneurs. Under the rubric of a joint business-council initiative called

Rejuvenation (of which Sasol was the main donor), Sasol therefore channelled resources via the Vaal Regional Community Trust (of which Sasol was also the main donor) for the donation of a container and pressing machine to Phutang as well as for the provision of an interest-free loan for the purchase of a small truck. The manager of corporate affairs at Sasol, who was the deputy chairperson of the business chamber, also arranged for a well-established white businessman to act as an advisor and mentor to Phutang. With these human and physical resources in place, the Sasol representative reported that Phutang was able to seal the deal with Council. According to the Assistant Manager Health and Cleansing Services for Council, the sequence of events was somewhat different, with Phutang first receiving the support and then Rejuvenation requesting that Council give them the contract. Regardless of this disagreement about sequencing, four things remain clear. First, Phutang had no relevant expertise in recycling or business more generally and prior to receiving support from Sasol/Rejuvenation had no access to capital required to run a business. Second, support from Sasol/Rejuvenation played a critical role in ensuring that Phutang received the contract. Third, the contract was awarded without being publicised or put out to tender. Fourth, the reclaimers were completely excluded from these processes and discussions. Support for 'black economic empowerment' was cited by a council official as the reason why the contract was given to Phutang without going to tender, something which the reclaimers, who are also black, found ironic. As the leader of Ditamating argued, 'if it is about empowering people, then they must start with people from the site'. However, this was not an option considered by Council, Sasol or Phutang.

It was universally agreed, even by Phutang itself, that Phutang failed to manage the recycling of materials from the dump. Both directors of Phutang remained in their full-time jobs and, according to a representative from Sasol, attempted to 'run the business by cell phone and remote control'. They had no hands-on experience with recycling and had not even undergone training to help them identify the different types of metal being sold by the scrap reclaimers. For an extended period of time, Phutang had insufficient cash flow, was unable to purchase the materials from the reclaimers on a regular basis, and was on the verge of bankruptcy. When Phutang did purchase materials from the reclaimers, it did so at a significantly lower price than that which they had previously received. This is not surprising, as Phutang sold to the same buyers that the reclaimers had previously dealt with directly but was now taking a cut for itself. Although it is possible that Phutang managed to negotiate a higher price with paper, plastic and cardboard companies by selling in bulk, it must be remembered that the scrap reclaimers had already

achieved these economies of scale by selling collectively. The decrease in income reported by the reclaimers was in line with the findings from an international study by the ILO that privatisation usually resulted in lower income for reclaimers as the private companies with monopsonies extract rent from the reclaimers (International Labour Organisation 2004:22).

For several months, Phutang was completely absent from the site and the reclaimers continued to manage all processes related to salvaging on the dump. By the beginning of 2008, both Ikageng and Ditamating had registered as closed corporations in order to assist their bids to take over the contract. According to the reclaimers, both groups once again approached the municipality to have their role formalised, and they offered to pay the municipality rent for their access to the dump. However, they were informed that it was impossible to cancel the contract. Senior waste management officials justified this by arguing that Council had not upheld its part of the contract as it had failed to fence the landfill and provide the security required to secure Phutang's monopsony.

Ditamating members reported that they approached Phutang and suggested that, as Phutang had no knowledge or experience in dealing with scrap, they should give them a subcontract. However, instead of partnering with reclaimers who had intimate knowledge of scrap metal and had demonstrated their ability to negotiate with and deliver to large purchasers of these materials, in May 2008 Phutang merged with Remade, a large white-owned recycling company with branches across the Southern African region. A primary attraction of merging with Remade was that it had financial capital to help pay off debts and run the business, something which the reclaimers obviously could not offer on their own. However, it is important to note that despite its size, Remade's manager on-site stated that the company had no knowledge or experience in dealing with scrap.

The merger with Remade caused some unease in Council and Sasol as it undermined the objective of black economic empowerment. However, both Council and Sasol were determined to ensure that the contract ran smoothly. Council was aware that recycling from the dump should be able to generate significant revenue. It was keen to finally start benefiting financially from the deal so that it could obtain additional resources for the chronically under-funded waste management department. For its part, Sasol had an interest, clearly articulated by its representative, in ensuring that the loan would be repaid and that order would be brought to the dump, which bordered on land owned by the company.

As Council did not see the reclaimers as a legitimate constituency worthy of consultation, it did not consider negotiating with them to get them to sell to the contract holder. By Council's own account, the only purpose of the few meetings held with the reclaimers was to inform them that they must behave appropriately on the dump and that they must sell their materials to Phutang. No attempts were made to persuade them to agree to work with Phutang by addressing their concerns that they were being forced to sell their goods at a lower price and that their incomes were being decreased due to the imposition of Phutang as the sole buyer.

Instead, Council and Sasol turned to a security solution. Even before the merger, they decided that it would be necessary to physically enclose the dump in order to force the reclaimers to sell to Phutang and ensure that the company benefited from its monopsony. The fence was also crucial if the Council was going to secure the cooperation of the police in this process. In the past, Council had called the police on numerous occasions to physically remove the reclaimers. However, as there was no fence and minimal security, the reclaimers would simply wait a few days and then re-enter the site. As a result, in May 2007, the police had informed Council that they were no longer willing to forcibly remove the reclaimers unless a fence was in place and they were issued with arrest warrants for the reclaimers. Due to the perceived importance of the fence, Sasol agreed to finance 60 per cent of the costs of constructing a fence completely encircling the landfill.

By the time that Phutang merged with Remade and the company was ready to assert its authority, the fence was almost completed. The council and the company therefore took decisive action. In May 2008, Remade-Phutang insisted that all reclaimers on the site sign a contract agreeing to only sell their materials to Remade-Phutang, otherwise they would be evicted from the site. The reclaimers refused and embarked on industrial action in which for a period of several weeks they refused to sell to Remade-Phutang. A stand-off ensued as Remade-Phutang had deployed additional security to the gate, thus preventing the reclaimers from removing their materials from the site and selling to other buyers. Neither the reclaimers nor Remade-Phutang could generate any income. On May 22, 2008 the reclaimers were summonsed by Council to attend a meeting at 8am on May 23, 2008, non-attendance of which, they were informed, would 'leave the council with no option but to use its legal process to remove you out of the dumping site'.[9] The reclaimers attended the meeting and tried to raise their grievances. They once again refused to sign the contracts. The police were subsequently sent in with dogs and pepper gas to remove them. As noted above, this was not the first time that the police had been sent in. However, now that the dump

was physically enclosed, once the reclaimers were evicted, they were aware that it would be much more difficult to re-enter the site. In addition, they had not earned any income in the preceding few weeks due to the stand-off with Remade-Phutang, and the police did not let them take their possessions with them. The combination of the police and the fence broke the reclaimers' ability to continue with their resistance. One reclaimer eloquently summarised the outcome of what she perceived as a hard-fought battle stating, '[w]e were chased away by the police on a Friday. We came back on Monday to surrender and sign the contract'.

After that, an uneasy truce was reached on the site. Almost all of the reclaimers signed the contracts. As it became impossible to sell to other buyers, Remade-Phutang allowed those who had not signed to continue working on the site. Representatives of Council and Remade-Phutang all reported that the 'problems with the reclaimers' had been resolved and the contract was moving forward. However, the reclaimers reported a litany of problems with Remade-Phutang. They continued to receive less money than in the past for their materials and Remade-Phutang was reneging on the clauses in the contract that required it to provide the reclaimers with uniforms, safety equipment and sufficient access to water and toilets. In addition, Remade did not have experience in dealing with scrap metals and the reclaimers claimed that the prices paid did not differentiate between all of the different types and grades of metals that they sold, thus leading to lower overall payment.

The imposition of the Remade-Phutang's monopsony meant that the reclaimers were no longer free to negotiate the terms on which they related to and potentially entered into the formal economy. Paradoxically for a programme which was intended to bring recycling into the formal, public sphere the contract with Remade-Phutang forced the reclaimers to recede back into the sphere of the informal. According to the local manager, Remade-Phutang had no plans to empower the reclaimers, other than to teach them how to sort materials, something at which they were arguably already highly skilled.

Significantly, for the scrap reclaimers, Remade-Phutang required them to register and sell their materials individually. The company therefore succeeded in undermining the previously collective approach of the members of the Ditamating Scrap Metal Project. Although they did so less frequently, both Ditamating and Ikageng continued to meet and tried to strategise their next moves. They were wounded and bitter. They recounted that they had believed the ANC campaign slogan and expected a 'better life for all' with the advent of democracy. However, they reported that they had lost faith in council and were tired of knocking on endless doors and not being taken

seriously by the Council. When asked what had changed since apartheid days, one woman reclaimer responded that, 'there is no change as the police still chase us away'. Members of Ditamating observed that the imposition of Remade-Phutang not only compromised their rights as citizens to participate in the policy process, but also undermined their ability to fulfil their obligations as citizens, noting that, 'we are citizens of this city. We are expected to pay for services. We used to pay for services, now it is difficult'.

Indeed, this history of the contested processes through which recycling was being formalised in Metsimaholo raises a number of pertinent issues related to citizenship and the construction of the public sphere. The remaining sections of this paper locate and unpack this history theoretically and explore how the process in Metsimaholo was predicated on particular understandings of who is a legitimate actor within the public sphere. This analysis begins in the following section by theorising why reclaimers were so marginalised within the expansion of the Metsimaholo waste management system.

Neoliberal Citizens or Detritus?

In seeking to theorise the role of the reclaimers, it is useful to turn to the burgeoning literature that draws on Foucault's concept of governmentality to explore the form and nature of citizenship in the context of neoliberalism. Foucault uses the concept of governmentality to understand the 'how' of governing (Gordon 1991:7) by studying the political rationalities and technologies of government (Rose 1996:42). Central to governmentality within liberalism and neoliberalism is the understanding that individuals have agency. Individuals are therefore seen as, 'on the one hand, the *object* and target of governmental action and, on the other hand, as in some sense the necessary (voluntary) *partner* or accomplice of government' (Burchell 1996:23). Governmentality is therefore understood as the 'conduct of conduct', or, 'as a way of acting to affect the way individuals *conduct themselves*' (Burchell 1996:20). A key component of neoliberal governmentality is the creation of neoliberal subjects who see their lives as an enterprise and take responsibility for achieving their own individual goals, which are shaped in line with the broader neoliberal project (Gordon 1997). Much of the governmentality literature therefore focuses on the ways in which government policy constructs particular categories of the population to create neoliberal citizens who believe in self-reliance and do not expect the state to provide them with what were previously seen as the rights of citizenship.

As should be evident from the previous section, the reclaimers were perhaps the prototypical neoliberal citizens. Having accepted that neither the state nor industry would provide them with employment, they took the initiative to create their own income. Through their labour, they performed

something akin to alchemy as they took what others deemed waste and transformed it back into a marketable commodity. When left free from interference from the state, the police and monopsonistic private companies, they succeeded in working collectively, marketing their own goods and transforming and improving the terms on which they were articulated into the formal economy. Both the Ikageng Landfill Committee and the Ditamating Scrap Metal Project had registered as closed corporations and had ambitions to formalise their activities. Both believed that if they won the contract they would be able to formalise their work and register for workman's compensation and unemployment insurance. They also stated that if they could be provided with assistance to purchase pressing machines and transport, they would be able to expand their businesses and create employment for other people. Ditamating reported that it proposed to waste management officials to start a programme in the community to get households to separate waste at source, something which it would pursue if it had the opportunity. If granted the contract, it also planned to hire a manager to help it run its operations professionally. The women in Ikageng dreamed that, with formalisation, they would be able to create a fund to provide support to children in the community who could not afford school fees so that they would stop trying to come to the dump to earn money. As noted above, both groups were willing to pay the municipality for the right to reclaim materials from the site. Given the opportunity to pursue their vision, the reclaimers would have provided a rare, successful example of the government's illusive goal of helping people to move themselves out of the 'second' into the 'first' economy[10] (ANC NGC 2005). But instead, Council single-mindedly pursued an approach which decreased their income and consigned them to remain as individual, informal reclaimers with no prospects to empower themselves, move into formal employment or grow their collective businesses.

How then does one explain the complete marginalisation of the reclaimers within processes to formalise recycling in Metsimaholo and include it in the public sphere? Part of the answer lies in their lack of legibility within national waste management policy and legislation. Reclaimers are not mentioned in any South African legislation. In her insightful review of the current policy context, Benjamin (2007) notes that although the National Environmental Management Act 107 of 1998 endorses recycling as a key element of waste minimisation strategies, it does not recognise the role of what she refers to as 'scavengers' in existing recycling processes. As Benjamin observes, '[t]he lack of recognition for scavenging from the highest environmental legislation of the country presents significant tensions with other policy documents....These policy documents mention scavenging and ways to handle

or regulate this work but without placing a legally binding obligation on those who are responsible for waste management, including the Department of Environmental Affairs and Tourism' (Benjamin 2007:39). Moreover, when it comes to policy implementation, although the Minimum Requirements for Disposal of Waste by Landfill allow individual landfill site managers to decide whether to allow salvaging on their sites, managers who do so must indemnify the department from any responsibility, creating a strong disincentive for the legitimisation of reclaimers (Benjamin 2007:7-9).

The Waste Bill under consideration in 2008 would not dramatically alter this situation. The Bill seeks to develop sustainable waste management systems across the country and promotes the reduction, re-use and recycling of waste. It recognises that waste can be a valuable economic resource and that, 'the impact of improper waste management practices are [sic] often disproportionately borne by the poor' (Republic of South Africa 2007a). It is therefore ironic that, initially, the Bill contained no reference to the legions of informal reclaimers who support themselves by recycling waste material and did not include any mechanisms to improve their status within waste management systems. After lobbying by civil society organisations, the proposed amendments to the bill basically leave the status quo from the Minimum Requirements unaltered, and simply stipulate in Section 51(1) that, '[a] waste management license must stipulate (i) if applicable, the conditions in terms of which salvaging of waste may be undertaken' (Republic of South Africa 2007b). The Bill does not, however, provide any guidance regarding when salvaging should be permitted or how this should be done.

While reclaimers are rendered virtually invisible in the sphere of legislation, key waste management documents that do refer to them make it clear that it is government's intention to actually eliminate reclaimers themselves in the long term (Department of Environmental Affairs and Tourism and Department of Water Affairs 1999). Government is correct in identifying that salvaging at landfill sites has problematic health and safety implications. However, complete loss of income is an even graver threat to the health of the reclaimers and their families. Advocating the elimination of reclaiming without a clear process to ensure that reclaimers are involved in future recycling initiatives is further indication of government's failure to recognise reclaimers as legitimate stakeholders within the public sphere. This official silence at the level of national policy and legislation creates the space for local councils such as Metsimaholo to disregard and marginalise reclaimers and treat them with contempt in local processes to formalise recycling.

But what is the basis of this contempt? Why were Council and business representatives unable to see the reclaimers as good neoliberal citizens with the right to participate in the formalisation of recycling initiatives? Here, it is useful to turn to the work of Sharad Chari and his notion of 'detritus'. In his research on the Durban community of Wentworth, Chari (2005) develops the concept of 'detritus' to capture how capital accumulation and colonialism create surplus populations compelled to find ways to reproduce themselves outside of the wage labour relation and as well how these marginalised populations are often forced to contend with the toxic industrial detritus generated by capitalist production. This concept can be productively drawn on to theorise the ways in which reclaimers are framed and understood. In a context where neoliberal restructuring has made formal employment an impossibility, reclaimers turned to salvaging recyclable material from society's physical detritus as a means of survival. Research from a range of contexts reveals that reclaimers are frequently reviled, stigmatised, ostracised, and treated as expendable[11] as they become associated with the detritus that they rummage through (Benjamin 2007; Beall 1997; Chikarmane and Narayan 2005; Huysman 1994; International Labour Organisation 2004; Medina undated; Millar 2006; Rogers 2005 Tejani April 2003). The case of Metsimaholo is no different. All council representatives interviewed used the term 'scavenger' to refer to the reclaimers (although some changed their language when I used different terminology). Reclaimers stated that they were always referred to in this way by Council and that they resented this title as a 'scavenger is something that lives with dirt'. Given that they work with and are defined by their relationship to waste, in the case of reclaimers, the term 'detritus' is therefore more than metaphorical.

In seeking to explain why Council did not engage with them, one of the scrap reclaimers perfectly captured Chari's notion, stating that, 'these people there see us here [at the dump]. They just take us for granted. Even if you have a serious problem they don't listen. They say you are just people from the dumpsite. You are just scrap'. Council officials did not recognise the reclaimers as a legitimate constituency in the waste management system, and when asked whether there should be consultative processes and empowerment programmes put in place for them to actively participate, the Manager, Health and Cleansing Services responded that, 'they are residents of the municipality. So they can't be given any extra rights. It is up to them to make sure they take advantage of the opportunities available to residents'.[12]

Members of Ikageng believed that an official who told them they could get the contract if they formed a group, 'was just saying that. He never thought the elders could register a business'. Indeed, forming the closed

corporations made little difference. At first, both Council officials and the director from Phutang refused to acknowledge that the reclaimers had formed closed corporations. When they did admit to this, they did not grant it any relevance, and the Manager, Health and Cleansing referred to them as, 'so-called ccs'. The assistant Manager, Health and Cleansing Services made clear his disdain for the reclaimers and their companies, stating: 'we wouldn't give the contract to those companies as they were working against the municipality and Phutang. They were threatening us and throwing stones. They want to make it uncontrollable as they think then they will get the contract'. Whilst it is true that the reclaimers had engaged in disruptive and at times aggressive behaviour, once they were denied any opportunity to participate in formal processes, they had little option but to resort to direct action. It is therefore quite ironic that management then seemed to consider such behaviour a natural attribute of reclaimers.

In addition to being cast as unruly, the reclaimers were depicted as uneducated and unskilled, characteristics which were deemed to render them ineligible to win the contract. The leader of Ditamating described the surprise of the directors of Phutang when in their first formal meeting he challenged them in fluent and articulate English. He explained that, 'they didn't think there were educated people here. But then they realised I was educated when they heard me speak. They always use English in their meetings. We did query them about that. They say it is an official language'. He was convinced that Phutang purposefully used English in order to reinforce power differentials with the reclaimers, many of whom were not as proficient in this language. He stated that whilst the directors of Phutang began to treat him with more respect due to his language skills, they continued to be dismissive of the other reclaimers, whom they assumed to be uneducated.

Perhaps most tellingly, the Council officials and Sasol representative were all clear that the reclaimers did not have the skills or capacity to run recycling operations on the dump. In addition to their lack of business skills, it was also noted that they did not have any machines or equipment required to run the business. The reclaimers reported that this was put to them bluntly by one councillor who said, 'you are talking a deal of millions of rands, but you don't even have a car. What do you expect us to do?' The tremendous irony in this situation is that the reclaimers had a proven track record of managing themselves and negotiating the sale of their goods with formal enterprises. Their plans for the dump were based on this experience. As the leader of Ditamating explained, 'we know what happened before so we worked on the base of that to develop the proposal and business plan'. Aware of their limitations, they attended a workshop run by an NGO to help them develop

a business plan, and also intended to hire a manager to help them run their operations. By contrast, the Directors of Phutang had no background in recycling, no experience in business, and no access to capital or equipment before they received support from Sasol/Rejuvenation. Even with the assistance of the advisor provided by Sasol/Rejuvenation, they had proven themselves to be utterly incapable of running the business. However, they were professionals who were well respected in the community, and key players in Sasol/Rejuvenation and Council obviously could not see past the detritus when they look at reclaimers.

Reconfiguring the Public Sphere?

Given that the reclaimers were not seen as legitimate actors within the public sphere, successful mobilisation necessitated more than simply demanding that they be allowed to participate in public policy processes. It would require a transformation of the very conceptualisation of the public sphere itself. As Judith Butler argues, '[t]he public sphere is constituted in part by what can appear, and the regulation of the sphere of appearance is one way to establish what will count as reality, and what will not' (Butler 2004:xx-xxi). She further argues that, '[t]o decide what views will count as reasonable within public domain…is to decide what will and will not count as the public sphere of debate' (Butler 2004:xx). What Butler is arguing is that the construction of the public sphere is predicated on defining certain people as legitimate members of the public sphere, and certain ideas as permissible within this realm. Other views and other people are, per definition, defined as lying beyond its bounds. As detritus, the reclaimers did not feature within the council's conception of the public. Mobilisation by reclaimers would therefore require, 'an insurrection at the level of ontology' (Butler 2004:33) to both redefine how they are seen and to establish that they be accepted as valid members of the public sphere. The possibility of such insurrection within Butler's framework is crucially important. It highlights the dynamic and contested nature of the production of the public sphere and legitimate agents, something which numerous scholars (see for example Goldsworthy 2006; Hart 2008; O'Malley, Weir, and Shearing 1997; Rutherford 2007; Watts 2003; Weszkalnys 2007) have pointed out is missing in the Foucauldian governmentality literature, which sees governing as already accomplished, and the construction of legible subjects as a one way, top-down process.

Ontological insurrection involves engagement at multiple levels, starting with the reclaimers themselves. Building on Chari's work Massimo de Angelis emphasises how detritus is productive of, and becomes inscribed within people's bodies and subjectivities (de Angelis 2006:67). A first stage of struggle therefore lies in those deemed to be detritus rejecting this construction of

themselves and claiming the right to define their own identity. The Ditamating members were particularly clear and articulate on this point. As noted above they rejected being called scavengers, due to the pejorative association of scavengers with dirt. When asked what they would like from the municipality, the first response of the leader of Ditamating was, 'if they can accept our position and that we are here as workers. If they can accept that there is life here, we can make life out of this place'.

A second level of insurrection relates to the development of collective identities and the insistence that these identities be recognised by the Council. When asked what forming the company meant to them, a member of the Ikageng Landfill Committee said, 'we were very, very happy when we registered the company. Were very proud and thought it would help us to get the contract'. The tremendous joy on the faces of the women as they discussed the establishment of the closed corporation affirmed that their pride was about much more than simply setting up a company. It was about their ability to disprove the officials who believed they weren't capable of achieving such a goal, and the receipt of formal recognition of their existence, even if at this stage it was only from the registrar of companies and not from Council.

Nevertheless, despite collective organisation, the formation of legal corporate entities, industrial action and repeated demands to be heard, Council representatives continued to refer to the reclaimers as scavengers, to disregard their organisations, and refused any substantive engagement with them on issues of profound importance to their livelihood. The insurrection to reconfigure the public sphere therefore continued unabated. A key challenge for the reclaimers in waging this insurrection would be to find ways to grapple with and address the power hierarchies and divisions based on age and gender that currently divide them.

Conclusion: Reconstituting the Public Sphere?

This paper has explored the Metsimaholo muncipality's attempts to formalise recycling on the Sasolburg landfill. By enclosing the waste commons and granting a private company the sole right to extract recyclable materials from the dump, the Council literally expanded the public sphere, albeit via a public-private partnership. This privatised extension of the public sphere had profoundly negative effects for the informal reclaimers who performed the actual labour of salvaging materials from the dump. Prior to the enforcement of this enclosure the reclaimers had succeeded in managing operations on the dump and negotiating the sale of their goods directly to some of the largest recycling companies in the region, thus redefining the terms of their relationship with the formal economy. However, the implementation of the contract compelled them to recede from their active negotiations and en-

gagements with the formal economy and threatened to ghettoise them within the space of the landfill and the sphere of the informal economy. In seeking to understand why the Council marginalised and ignored the reclaimers, the paper has argued that although the reclaimers were the ideal neoliberal citizens, as the local state viewed them as the detritus of modern society, it was unable to see their positive attributes or accept them as legitimate actors in the public sphere.

This does not, however, mean that the reclaimers were doomed to forever occupy this space. As noted above, the governmentality literature has been widely and correctly critiqued for conceptualising policy as a top-down process and seeing contestation as only responsive to and not constitutive of processes of governing (see for example Goldsworthy 2006; Hart 2008; O'Malley, Weir, and Shearing 1997; Rutherford 2007; Watts 2003; Weszkalnys 2007). Although the reclaimers had not yet succeeded in establishing their legitimacy as a population category within Metsimaholo's waste management policy, they were actively challenging their invisibility by forming closed corporations, engaging in industrial action, and continuing to demand meetings with Council and the Remade-Phutang. Such struggles have played an important role in transforming waste management policies and the role of reclaimers within them in other contexts. For example, in Brazil, mobilisation by reclaimers has resulted in several categories of 'collector of recyclable materials' being officially recognised as occupational categories, and reclaimers are valued as a key constituency within the sphere of waste management (Dias 2006, 2007).

If the reclaimers do eventually succeed in either winning the contract for themselves, or at least improving the terms of the existing contract, they will have transformed their literal position within the waste management system and the public sphere. But at a more abstract level, they will also have succeeded in reconfiguring the ontology of the public sphere itself. Whilst this would clearly amount to rendering the public sphere more inclusive, it is questionable whether it would fundamentally transform the current neoliberal nature of the extension of the public sphere. Both the Ikageng Landfill Committee and the Ditamating Recycling Project wanted to operate as private companies with public-private partnership contracts with the Council. They had no desire or intention to bring their activities into the state itself and they had a vested interest in maximising both their profits and their autonomy. Whether they could develop a way of working that presents a substantive alternative to more established private companies, and indeed whether they even aspire to this goal, remains to be explored.

Notes

 1. See, for example, Greg Ruiter's insightful analysis of pre-paid metres in South Africa (Ruiters 2007). Building on insights from the governmentality literature, Ruiters argues that pre-paid metres were intended to transform service recipients into 'self-disciplining' subjects and obscure social austerity. However, overcoming weaknesses in the Foucauldian approach, Ruiters emphasises the active agency of service recipients and the reciprocal dynamic of state power and popular mobilisation which mitigates against the simple realisation of state goals.

 2. The research for the case study forms part of a broader research project on municipal approaches to reclaiming and recycling, commissioned by the environmental justice NGO groundWork. For a copy of the full report produced for groundWork, please see Samson (2008). The interviews were led by the author with assistance and translation provided by Moleleki Fantisi, Themba Mojikang and Zodwa Mtambo from the Vaal Environmental Justice Alliance (VEJA), and Musa Dlamini from groundWork. Many thanks to my colleagues for their invaluable assistance in conducting the research and for numerous insightful conversations regarding our analysis of the interviews. Thanks also to groundWork for permission to use the material. Although this paper draws on the research report produced for groundWork, the views expressed in this paper are my own and should not be attributed to VEJA or groundWork.

 3. Many words are used to describe people who salvage re-useable and recyclable materials from the waste-stream. As will be discussed below, words such as 'scavenger' are seen as derogatory and rejected by the people who do this work. Although the commonly used term 'waste picker' is not necessarily derogatory, it does not capture the nature or importance of the labour being performed. The term 'recycler' is too narrow as not all goods salvaged are recycled. I prefer the term 'reclaimer' as it emphasises that, through their labour, people are reclaiming items cast aside by others, and are also reviving dead commodities and reclaiming the value inherent within them.

 4. Personal communication with Assistant Manager, Health and Cleansing Services, Metsimaholo Municipality.

 5. Ditamating means 'place of tomatoes' in seSotho. The committee picked this name as it is the nickname for Sasolburg due to the large number of tomatoes grown in the area. They said that choosing this name would help to ensure that the committee is seen as a local initiative.

 6. Ikageng means 'build ourselves' in seSotho.

 7. Their only history in the sector was one's role as a senior member in an initiative to promote recycling in the schools, a position he held due to his employment as a teacher in a primary school in Zamdela.

 8. According to the Sasol Manager for Community and Government Relations, there were three main reasons why Sasol supported the project. Sasol believed that the project would help to protect the environment and would create

employment. Importantly, Sasol had a vested interest in improving management of the dump as it owns the vacant land directly in front of the entrance to the dump. Previously, there had been problems with young reclaimers waiting on this land outside the gate and harassing community members who came to the dump. Many of these community members were employees who, according to the manager, complained about these activities. Sasol therefore wanted to intervene to bring order to recycling processes at the dump so as to protect its property as well as the interests of its employees (Interview, Zwane, 10/09/2008).

9. Letter from L. Thile, Manager Health and Cleansing, 22/05/2008.

10. The concept of the two economies has been subjected to wide and penetrating critique. See the articles in the special edition of *Africanus* (Bond 2007) for an overview of key arguments demonstrating the conceptual flaws in framing the formal and informal economies as distinct entities.

11. The example cited by Medina (undated:8) of how paramilitary groups in Colombia murdered 40 reclaimers, sold their organs for transplants and the rest of their bodies to the university to be dissected by medical students is perhaps the most shocking example of the expendability of reclaimers.

12. It should be noted that the member of the mayoral committee responsible for waste acknowledged that it was problem that council did not take the reclaimers seriously. When questioned as to whether it would be useful to have a landfill management committee (required by law for permitted sites) he said that this would be a good idea and he would work on it. He also raised concerns about the nature of the relationship between the officials and the reclaimers. However, in the nine months since he assumed his post, he had not been to the landfill and had not met with the reclaimers, about whom he knew very little. He was, nevertheless, a potential transformative force in the council.

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Faillite de l'Etat et administration de l'espace public politique par les « jeunes patriotes » en Côte d'Ivoire

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Résumé

En Côte d'Ivoire, depuis le déclenchement de la guerre en 2002, des mouvements de jeunes regroupés dans ce qu'il est convenu d'appeler « jeunes patriotes » sont apparus. Ils ont joué et continuent de jouer un rôle de premier plan dans l'espace public politique. Il apparait que leur irruption dans cet espace découle de plusieurs facteurs dont l'un des principaux est la conjugaison de la défaillance de l'Etat – gagné par une crise structurelle et institutionnelle profonde – et de l'activisme audacieux de ces jeunes qui visent à la fois à répondre aux appels de la puissance publique, mais en même temps à constituer une alternative aux limites de l'Etat. Dans cette étude qui revisite les rapports Etat-société, nous mettons en exergue l'intérêt de la relativisation théorique de l'approche habermasienne de l'espace public, mais aussi du concept de « mouvement sociaux » perçus comme généralement indépendants, sinon contestataires de l'Etat. L'étude montre que les « jeunes patriotes » non seulement évoluent comme des mouvements sociaux, mais en plus interviennent dans l'administration de l'espace public sous la forme, non pas de contestation ou de protestation, mais plutôt de soutien à l'Etat.

Abstract

Since the war started in 2002 in Côte d'Ivoire, youth movements which are federated in what is now known as 'The Young Patriots' have emerged, played and continue to play a leading role in the political public sphere. Their interference appears to be linked to many factors, the most important being a combination of the failure of the State – hit by a deep structural and institutional crisis – and a upfront style of

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activism by these youth whose desire is to respond to the government's calls but also to provide an alternative to State limitations. State/society relationship is revisited in this paper which emphasises the importance of theoretically putting the Habermasian approach to public space into perspective, but also the concept of 'social movements' which is generally perceived as independent or even contesting the State. The paper shows that 'Young Patriots' not only behave like social movements but they further intervene in the administration of public space not by contesting or protesting it, but by supporting the State.

Introduction

Il est certainement connu qu'en Afrique le lien dans les rapports sociaux différenciés s'appui sur l'âge, le statut social et le sexe. Ainsi, tout en évoluant dans le monde moderne contemporain, on constate dans les sociétés africaines les survivances de la légitimité conférée par le privilège de l'homme sur la femme, et celui de l'aîné sur le cadet (Akindès 2003). Dans une telle société, les jeunes sont relégués aux seconds rôles et places. L'administration de toutes les sphères de la société obéit à un tel schéma, plus encore en matière de gouvernance politique. Dans un tel contexte, dans quelle mesure l'espace public politique a-t-il été « gouverné par la raison » des jeunes ces dernières années en Côte d'Ivoire?

La problématique de l'administration de l'espace public par une catégorie dominée revient à analyser les mécanismes de dépassement des logiques identitaires développées par ce groupe dans son rapport à la société globale mais aussi à l'Etat. Nous mettons en perspective que la faillite de l'Etat africain (Bathily 2008 ; Animashaun 2008 ; Rigar 2008), matérialisée par les crises multiformes puis la guerre, est un facteur explicatif d'un positionnement nouveau d'acteurs traditionnellement dominés dans cette société. Tout aussi significatif est l'engagement politique de cette catégorie d'acteurs dans des espaces habituellement réservés à la puissance publique (administration, média, institutions politiques et militaires). Dans cette logique, l'action collective des jeunes ivoiriens formalisée dans ce qu'ils ont appelé « agoras » et « parlements »,[1] offre l'opportunité de l'étude d'un espace public mouvant et qui s'est révélé être accessible. Il s'agit de situer l'analyse dans la critique de la théorie habermasienne de l'espace public telle que développée par Farge (2001). En effet, cet auteur montre qu'une parole publique se construit parallèlement aux craintes des autorités, à leurs menaces, mais aussi à leur incitation posant ainsi la question de l'autonomie des acteurs opérant dans cet espace. Cette question est d'autant plus pertinente dans le contexte africain que Dansou (2008) situe les répertoires de la parole publique entre résistance et allégeance. Etant une composante de la société civile, elle-même définie

par Zghal (cité par Mamdani et al. 1997) comme une arène des organisations volontaires non contrôlées par l'Etat, les mouvements sociaux se présentent comme une cristallisation plus large d'activités collectives autonomes par rapport à l'Etat (Mamdani et al. op.cit). Il apparaît ainsi la double problématique de l'étude des mouvements des « jeunes patriotes », d'abord en tant que mouvements sociaux ; ensuite dans une perspective théorique habermasienne de l'espace public vu comme lieu de la raison critique exprimée par des groupes autonomes. Autrement dit, comment prétendre à l'analyse sociopolitique de l'administration de l'espace public par des mouvements sociaux qui n'affichent pas leur autonomie vis-à-vis des gouvernants, de l'Etat ?

Cette étude vise à montrer comment les mouvements des jeunes, tout en s'inscrivant dans un modèle coopératif avec l'Etat, tentent d'administrer l'espace public politique sous plusieurs artifices que nous développons plus loin. Ainsi, nous abordons l'analyse des transferts des débats politiques dans des espaces tels que les « parlements » et « agoras » par les jeunes, en positionnant la faillite de l'Etat comme facteur ayant conduit à un dépassement de la double dualité mouvement social/Etat, espace public/Etat.

Faillite de l'Etat et émergence d'une « société civile » nouvelle

La crise institutionnelle de l'Etat

Chomsky (2006) présente les Etats en faillite ou ayant échoué comme ces Etats incapables de protéger leurs citoyens contre la violence voire contre la destruction. De plus, bien que présentant des formes apparentes de démocratisation, ils souffrent en réalité d'un sérieux déficit de démocratie et vident les institutions de leur substance. Dans de nombreux pays africains tels le Togo, le Gabon, la Guinée, le Niger, la Côte d'Ivoire et plus récemment le Cameroun, les institutions de la République comme le Parlement, la Justice, la Cour suprême, etc., si elles existent, ne le sont que très souvent de nom et ne fonctionnent pas. Dans le meilleur des cas, comme au Sénégal de ces deux dernières années, le recul démocratique se traduit par un fonctionnement institutionnel assujetti au régime en place et aussi aux puissants réseaux confrériques ou ethniques. Dans un tel contexte, les principes démocratiques que sont le respect des droits de l'homme, la liberté d'association et d'expression, la liberté de la presse ne sont que très peu respectés. Cette situation présente un risque considérable de délitement de l'Etat comme en Côte d'Ivoire.

En octobre 2000, lorsque les partisans de l'actuel président Laurent Gbagbo réussissent à chasser Robert Guéi du palais de la présidence, à la suite des élections « calamiteuses », ceux de l'opposant Alassane Ouattara descendent

dans les rues avec pour seul slogan *« le pouvoir est dans la rue, allons le ramasser »*. La stabilité de l'Etat ivoirien s'était liquéfiée au fil du temps sous l'effet des crises économiques et sociales répétées. Cela s'est traduit par la remise en cause du modèle économique et social qui avait conduit au « miracle ivoirien » (Contamin et Memel-Fotê 1997), mais aussi et surtout par l'instabilité politique. En scrutant le passé récent, il est apparu que les politiques publiques post-indépendances ou encore ce que Akindès (2004) a appelé le compromis houphouétien souffraient d'un manque de légitimité sociale doublée d'une faible institutionnalisation. Cette dernière s'est approfondie avec les tentatives de réinvention instrumentale de la nation ivoirienne, traduites par l'étatisation d'une politique de repli identitaire qui s'est accommodée d'un accès de violence légitime (Ouattara, 2007). Sous la pression des revendications contestataires et protestataires du début des années 1990, l'Etat a opposé la violence et a montré sa difficulté à inscrire la nation dans le temps et dans l'espace, par un jeu de construction d'une identité nationale transcendant les appartenances et identités ethniques particulières. A partir de 1994, les institutions ont plutôt été instrumentalisées dans le but de limiter l'accès au pouvoir politique à une catégorie sociale (Konaté 2003 ; Babo 2006). Les lois votées sur mesures à la veille des élections de 2000, la limitation des libertés politiques,[2] les modifications récurrentes des lois dans l'intérêt du candidat ou du clan au pouvoir,[3] le refus d'un processus électoral démocratique[4] et, en définitive, l'ethnicité politique à travers la politique « d'ivoirité », ont gravement mis en péril le processus de démocratisation en Côte d'Ivoire. En effet, la fragilisation de l'État et les logiques de polarisation identitaire ont souvent mené à l'implosion politique (Afrique du Sud ségrégationniste, Rwanda, Burundi, RDC, Soudan, Kenya, Éthiopie, Liberia, Côte d'Ivoire, Tchad, etc.) faute de réussir une démocratie de type consociatif. Or, la confusion de la démocratie *(demos)* avec l'idéologie de la domination d'un groupe ethnique *(ethnic group)* qui tend à réguler la vie publique sur la base de ses particularismes propres constitue un danger conduisant aux guerres (Mann 2005). En Côte d'Ivoire, cette attitude de l'Etat a eu pour effet de mettre à nu la déliquescence de l'institution militaire, elle-même gagnée par les divisions ethniques et politiques. Ainsi, depuis bientôt dix ans, l'Etat ivoirien et, à travers lui, ses institutions politiques ont été constamment fragilisés par la multiplication des tentatives de « coups d'Etat ». Il en est ainsi du premier coup d'Etat de l'histoire de ce pays en 1999 et, de la tentative de 2002 muée en une rébellion.

L'éclatement de la guerre et la recherche d'acteurs alternatifs à la défaillance des institutions étatiques

Quand la guerre éclate en Côte d'Ivoire en septembre 2002, le pouvoir ivoirien est affaibli, d'une part, du fait des divisions internes dans l'armée dont une

partie conduisait la rébellion et, d'autre part, à cause du faible soutien reçu de la part des partenaires internationaux. Même les mécanismes du pacte colonial (Koulibaly 2005) avec la France qui avaient très souvent été utilisés pour sauver nombre de régimes africains (Centrafrique, Tchad, RDC, etc.) n'ont pu être actionnés. De plus, les accords politiques, notamment ceux de Marcoussis en 2003 avaient vidé de leur substance institutionnelle et ôté toute légitimité aux organes républicains que sont la Constitution, la Présidence, le Gouvernement et l'Assemblée nationale. Si la constitution semblait être mise en quarantaine de fait, le président de la république voyait ses pouvoirs constitutionnels fortement réduits. Quant à l'Assemblée Nationale, elle ne devrait plus être qu'une chambre d'enregistrement des lois issues des accords, sans débats démocratiques. Le gouvernement devait être dirigé par un premier ministre dorénavant aux « pouvoirs élargis et exceptionnels ». En conséquence, l'équipe gouvernementale a éclaté et ses membres ne font plus montre d'une solidarité fonctionnelle, mais prennent leurs ordres auprés des partis politiques dont ils sont issus. Régulièrement, l'autorité des premiers ministres successifs d'une part, et celle du président de la république d'autre part, sont remises en cause et foulées aux pieds par des ministres et directeurs d'établissements publics qui ne sont pas de leurs bords politiques respectifs. A l'image du gouvernement, l'Etat n'a plus d'autorité sur l'administration générale. Des actes de défiance se multiplient dans les entreprises publiques, qui se traduisent par une valse des nominations et contre nominations, des installations de nouveaux directeurs puis de leur révocation immédiate. L'armée est plus que jamais traversée par des convulsions régulières, matérialisées par des soulèvements de soldats, de policiers, des tentatives de coup d'Etat, etc. Ces différentes situations dénotent de la déliquescence de cette institution à l'instar de l'appareil judiciaire. La justice s'est largement discréditée par des décisions contradictoires sur les mêmes dossiers sous l'effet d'influences politiques ou financières. Une autre illustration de la déliquescence de l'administration ivoirienne en cette période de crise a été le déversement en septembre 2006 des déchets toxiques à Abidjan, la capitale économique du pays. Cet évènement tragique tant d'un point de vue humain, social, qu'environnemental a révélé toutes les apories d'un Etat gangréné par la corruption, l'incivisme, la violence, l'impunité, l'arbitraire, la mauvaise gouvernance, le recul démocratique. Dans un tel contexte, les tenants du pouvoir font face à une opposition acerbe dont les revendications démocratiques refont surface à l'occasion de la rébellion. Les partis de cette mouvance dite RHDP,[5] de même que leurs presses écrites soumettent ainsi le pouvoir à de vives critiques. Critiques et semonces reprises et largement diffusées par les médias internationaux, qui ont eu pour effet de présenter une image dégradante du pouvoir ivoirien.

La faible, sinon l'audience limitée des média du parti au pouvoir et des média d'Etat pousse les gouvernants ivoiriens à la recherche de compléments défensifs face aux pressions internes et externes. L'Etat, dans ces moments de flottement, invente son prolongement dans la société, en particulier dans les mouvements de la société civile que sont les « agoras » et « parlements » tenus par les « jeunes patriotes ». Ceux-ci constituent, ainsi pour lui, à la fois un bouclier et un glaive. Certes, plusieurs auteurs défendent la thèse des rapports d'interdépendance entre l'Etat africain et la société. Ce sont, selon Migdal (1988), des rapports de domination qui fondent la relation entre l'Etat et la société. Ainsi, la survie de l'Etat passe par une affirmation de son hégémonie sur la société. Mais, pour Chazan (1988), les rapports sont complexes, changeants et multiformes. Ils varient largement en réponse aux facteurs temporels, mais aussi en fonction de l'espace et des circonstances sociales et politiques dans lesquels ils se développent. El Kenz (2008) lui estime que c'est dans l'espace public, qui est leur nœud dialectique, que se construisent l'Etat et la société dans l'expérience politique. Cette approche permet de mettre en lumière l'évolution, en Côte d'Ivoire, des rapports entre l'Etat, ses gouvernants et la société, particulièrement la société civile dans une situation d'instabilité sociale et politique. En fait, dans ces circonstances, les autorités étatiques fragmentent les forces de l'Etat qui sont réinvesties dans des acteurs sociaux périphériques puissants auxquels ils ont recours pour atteindre leur objectif de mobilisation sociale (Migdal op.cit). Dans cette perspective, les rapports entre Etat et société doivent être fondés sur le partage des normes et des valeurs (Hyden cité par Harbeson 1994). Cela suppose aussi qu'il existe des mécanismes par lesquels les valeurs d'autorité politique sont allouées à la société, lui permettant ainsi de faire tomber les barrières entre comportements sociaux et politiques. La société civile peut donc adopter des comportements politiques alloués par l'Etat.

Toutefois, d'après Harbeson (1994:13), cela procède de la reconnaissance de l'existence d'un processus par lequel les règles du jeu sont établies pour gérer le management des frontières entre les comportements social et politique. Ainsi, face à l'impossibilité d'avoir un contrôle des média internationaux, puis sous la vive pression de la communauté internationale, les gouvernants ivoiriens ont laissé émerger les espaces publics que sont les « agoras » et « parlements » des jeunes patriotes. Le pouvoir vacillant d'Abidjan a, de cette façon, tenté de retrouver des ressorts non institutionnels au sein de groupements dits de la société civile. En effet, la société civile ivoirienne s'est enrichie à l'occasion de la guerre, de différents types d'associations et de groupements qui visaient la sauvegarde des institutions de la république. Parallèlement, ceux-ci se donnaient également une mission vertueuse et

moralisatrice de promotion de la démocratie, en condamnant vigoureusement et décidant de s'opposer de manière active à toutes formes d'accès au pouvoir par la force. Pour ce faire, ils entendaient faire front contre les mouvements rebelles réunis au sein des Forces Nouvelles, mais aussi et surtout contre les logiques « impérialistes » de la France inhérentes aux médiations et résolutions internationales entreprises dès 2003. Il s'agissait pour les jeunes patriotes des « agoras » et « parlements » de donner une caution populaire, du moins populiste à des opinions propres aux gouvernants face à leurs adversaires politiques de l'opposition civile et militaire de la rébellion. De ce point de vue, les « parlements » et « agoras » se démarquent du cas des « parlementaires débout » de la RDC qui, eux se sont présentés d'abord dans une forme d'alliance avec l'opposition contre le pouvoir de Mobutu avant d'afficher leur autonomie devant à l'inertie de celle-ci face au président J. Kabila (Kabungulu 2008). Il faut noter que dans le schéma ivoirien, ce sont donc les gouvernants qui franchissent les frontières du social et allouent les comportements politiques aux organisations dits de la société civile dans le but de sauver le régime. Cela est possible car le destin de l'Etat est lié inexorablement à celui de la société et la dérégulation du premier entraine le dérèglement de la seconde dans une dialectique négative (El Kenz op.cit). Ainsi, au contrôle tout azimut des média d'Etat opéré par le régime, s'est ajouté l'instrumentalisation des mouvements sociaux plus ou moins organisés des « jeunes patriotes ». Cependant, les « agoras » et « parlements » qui sont nés à l'intérieur des mouvements des jeunes patriotes ne se présentent pas uniquement comme des prolongements des institutions de l'Etat mais comme leur doublure dans une logique discursive contestataire des offensives tant internes qu'externes.

En effet, ni le gouvernement, ni l'Assemblée Nationale, ni les voies diplomatiques, ne pouvaient servir à véhiculer des messages de refus par le pouvoir en place des arrangements politiques conclus parfois sous la pression internationale, comme ce fut le cas des accords de Marcoussis en janvier 2003. Le président ivoirien, en dépit de la signature de cet accord par son parti avait laissé cet arrangement être critiqué, puis refusé dans tous les « agoras » et « parlements » d'Abidjan et du pays. Ce comportement politique permet de lever un coin de voile sur ces espaces publics d'un genre nouveau qui ne portent pas la critique, mais plutôt un soutien aux gouvernants. Si pour les tenants de la théorie institutionnaliste et néo-institutionnaliste (Huntington 1968 ; Przeworski 1999) l'établissement ou l'édification d'un Etat fort et des institutions démocratiques est un préalable à l'instauration d'un ordre social et de la démocratie, il s'accompagne de la nécessaire structuration de l'espace public ; étant entendu que la bonne gouvernance de l'Etat s'évalue à la gouvernabilité des citoyens.

Tentatives de structuration citoyenne de l'espace public politique

La structuration de l'espace public par les « jeunes patriotes » ivoiriens
En Côte d'Ivoire comme en Afrique, l'espace public n'est pas figé d'autant plus qu'il est influencé par les contextes socio-historiques dans lesquels il émerge et qui le façonnent à différents moments de la vie de l'Etat. Ainsi, il se forme et change sous les effets des transformations dans les structures de l'Etat et de l'émergence de nouveaux acteurs sociaux. Dans la construction démocratique africaine, *les jeunes*, aussi bien, en milieu rural qu'urbain, se sont révélés être de nouveaux acteurs déterminés à gérer l'espace public politique (Antoine et al. 2001). Ils ont, en effet, joué un rôle déterminant dans l'avènement de l'alternance démocratique au Sénégal, au Mali, en Côte d'Ivoire, etc.

Dans le cadre du conflit ivoirien, on a observé la place en première ligne de la jeunesse dans l'arène politique nationale (Chauveau 2005 ; Konaté 2003). Cependant, les recherches relatives à cette place se sont circonscrites aux actions politiques des jeunes sous l'angle de l'activisme parfois violent, d'un groupe d'acteurs à la recherche d'un positionnement ou d'une reconnaissance identitaire (Akindès 2007). Or depuis le déclenchement de la guerre en Côte d'Ivoire, l'activisme des jeunes dans l'espace public s'est aussi traduit par leur positionnement de plus en plus remarqué comme créateurs, gestionnaires et animateurs de sites de parole publique que sont « agoras » et « parlements ».

L'administration de l'espace public s'observe également par leur statut de membre de l'administration publique, mais aussi de leaders des partis politiques qui animent la vie politique ivoirienne au quotidien. Cette présence dans ces sphères publiques, en tant qu'instance de pouvoir pour la gestion et l'administration de la société inscrit l'engagement des mouvements sociaux de jeunes dans une logique de participation politique plus conventionnelle. Muxel (2001) explique ce comportement politique par le fait que les jeunes ne sont pas dépolitisés. Bien au contraire, en France par exemple, ils sont plus critiques et exigeants que leurs aînés à l'égard des politiques. En fait, face à l'inertie des Etats et, parfois en réaction à leur marginalisation, les jeunes s'engagent sur la voie de l'émancipation politique (Reinier 2006). La jeunesse, de façon générale, étant confrontée au double impératif de son identité et de l'innovation, construit son rapport à la politique par la tension entre héritage et expérimentation. A l'instar donc de la jeunesse française, la socialisation politique des jeunes ivoiriens, notamment des jeunes patriotes, est expérimentale à travers le syndicalisme (MEECI,[6] FESCI[7]) les partis politiques et les protestations de rue. En raison de la lutte pour la démocratisation au début des années 1990, l'espace sociopolitique africain, et en particulier ivoirien a été dynamisé par les protestations publiques de l'homme de la rue, mais aussi par les critiques et les violences des syndicats

et autres groupements informels tels que la « sorbonne ». Ceux-ci étaient dans une forme d'alliance avec l'opposition politique, alors dirigée par l'actuel parti au pouvoir FPI[8] et contre le pouvoir « dictatorial » du parti-Etat du PDCI-RDA.[9]

Cependant, à l'occasion de la guerre, la socialisation politique de ces jeunes est passée par un mode de participation plus axé sur des actions ponctuelles et ciblées aux côtés de l'Etat. Ainsi, leurs actions et leurs discours ont-ils eu pour cibles les partis d'opposition qui avaient vite fait de rejoindre la rébellion en vue de provoquer la mise en place d'un nouvel ordre politique. Les leaders civils et militaires de la rébellion étaient également l'objet de vives critiques dans les « agoras » et « parlements », constamment vilipendés, menacés et condamnés. En dernier ressort, les forces internationales représentées par les forces militaires françaises de la Licorne et les casques bleus de l'ONU n'échappaient pas aux discours acerbes de réprobation. Les revendications des populations régulièrement exprimées et entretenues dans ces espaces portaient ainsi sur le retrait de ces forces dites « d'occupation », alors qu'elles avaient été sollicitées par le pouvoir d'Abidjan (Blé-Goudé 2006). Les discours stigmatisaient également les multiples accords et résolutions de l'ONU, de même que toutes les institutions qui émanaient de ces accords, en l'occurrence les représentants du Secrétaire Général de l'ONU en Côte d'Ivoire[10] et le GTI.[11] Les jeunes patriotes dans les « agoras », « parlements », les média publics ou privés, avaient littéralement poussé et préparé l'opinion nationale à la décision du président ivoirien et de l'armée ivoirienne de lancer une offensive militaire en octobre 2004. Pour eux, cette option se présentait comme solution définitive de sortie de crise face au refus de désarmement de l'ex-rébellion et aussi à l'atermoiement de la communauté internationale. L'occupation régulière des média d'Etat, sous la forme d'émissions spéciales ou d'interviews des leaders de jeunes patriotes pour des appels, formalisait aussi leur participation à la gestion des affaires publiques. Ainsi, plutôt qu'un ministre ou un officiel de l'Etat, ce sont les leaders des « jeunes patriotes », en l'occurrence Charles Blé Goudé, qui avaient fait irruption un soir de novembre 2004 sur les plateaux de la chaine de télévision nationale pour lancer un appel à la résistance contre les forces françaises qui venaient de détruire toute la flottille de l'armée aérienne ivoirienne.[12] Par la suite, ils avaient occupé, durant plus de trois semaines, les antennes de la radio et de la télévision nationales pour faire passer leurs messages de mobilisation. Lors de ces manifestations, ils bénéficiaient de la caution morale des autorités étatiques, mais surtout d'un soutien passif des forces de police et de l'armée. Au niveau politique, se substituant à l'autorité publique, ils ont empêché des manifestations publiques de l'opposition. Les jeunes patriotes ont même servi de forces

supplétives aux forces de police régulières dans la répression de la marche de mars 2004. Au niveau social, s'arrogeant une mission de moralisation publique, les jeunes patriotes sont constamment descendus dans les rues pour s'opposer aux grèves déclenchées par certaines catégories socio - professionnelles tels les planteurs de café-cacao, les magistrats, les enseignants, etc. Toutes ces actions étaient préparées, puis commentées dans les agoras et parlements qui sont des centres de conception-élaboration et de diffusion des mots d'ordre de mobilisation, de prévision d'actes et actions du président ou supposées contre le président. Il en est ainsi d'informations fondées ou non sur des coups d'Etat à venir, les manigances et réactions de la communauté internationale lors de l'élaboration des résolutions ou du constat de la fin du mandat du président chaque fin octobre, les projets du RHDP, les décisions du président devant un évènement particulier etc.

On constate ainsi une forme de privatisation de la fonction légale de régulation politique de l'Etat par des groupes d'acteurs sociaux. Par ailleurs, intégrant bien le jeu politique ivoirien, l'acceptation préalable par ces jeunes dans tous les « agoras » et « parlements » des Accords Politiques de Ouaga (APO) de 2007 a permis, outre l'application dudit accord, l'évolution pacifique du processus de sortie crise de façon générale. Cette évolution confirme ainsi le rôle de la société civile dans l'administration de l'espace public vue comme activités collectives de confrontation évolutive contre ou pour l'Etat.

Quel espace public pour quelle société civile ?

Certes la notion d'espace public renvoie à une dimension géographique à savoir les lieux de passage et de rassemblement qui sont à l'usage de tous. Mais, elle désigne aussi le processus par lequel les individus, faisant usage de leur raison, s'approprient la sphère publique contrôlée par l'autorité et la transforment en une sphère de critiques contre le pouvoir de l'État (Habermas 1963). Cette vision de l'espace public fait référence à l'espace physique certes, mais aussi à des lieux d'expression ou de confrontation des idées contestataires portées par des groupes autonomes vis-à-vis des formations politiques, de l'Etat et de tout autre groupe de pression ethnique ou religieux. Elle met ainsi en relief le rôle de l'Etat et l'implication des citoyens dans la gestion du pouvoir politique. La problématique de l'espace public est donc liée à celle de la citoyenneté en tant que principe de légitimité politique. L'analyse de la situation particulière de rapports mêlés entre l'Etat, ses gouvernants et des mouvements sociaux de la société civile ivoirienne a permis de donner plus d'intelligibilité à un terme aussi protéiforme, à la fois « espace métaphysique », « espace d'émergence de la raison », « phénomène sociologique de rencontre », « miroir des comportements », « manière de vivre ensemble » ou encore éléments du « tissu construit » (Dumont 2004).

En fait, en dépit de leurs liens étroits avec l'Etat et ses représentants, les mouvements des jeunes patriotes participent à la structuration de l'espace public, par le biais de manifestations spontanées ou organisées, à travers l'occupation des espaces médiatiques, mais aussi des espaces d'échanges et de critique. En fait, la structuration se déroule sous deux rapports : d'abord la nature du mouvement (grève, marche, motion, libre tribune ou opinion, occupation ou sit-in) d'une part et, les espaces de leur production que sont les rues, les lieux et bâtiments publics et ouverts, les médias, les institutions et administrations publiques, d'autre part. Dans la situation ivoirienne, cette structuration de l'espace public par la société civile dont les actions s'inscrivent dans une logique de collaboration avec l'Etat et ses représentants, s'est départie du caractère contestataire des pouvoirs publics et de critique de l'action des gouvernants. La critique a plutôt visé les acteurs tant internes (partis politiques de l'opposition) qu'externes (communauté internationale, pays limitrophes supposés soutenir les rebelles) qui contestent le pouvoir en place. Bien que la théorie de la modernisation perçoive dans l'activité politique une corruption des mouvements sociaux (Mamdani et al. 1997), l'intervention de la société civile dans le champ politique s'est réalisée par la prise en main de sujets politiques tels que l'identité, la nation, la souveraineté, l'indépendance économique, l'élection, la citoyenneté etc. De toute évidence, comme Neveu (1996:12) qui, s'appuyant sur les travaux de Tilly (1986) note la tendance historique à la politisation des mouvements sociaux, nous pouvons affirmer que tout est politique, notamment les mouvements sociaux. Dans cette logique, pour Amadioume (cité par Mamdani op.cit) il n'est pas opérationnel de faire une distinction entre mouvements sociaux et mouvements politiques dans la mesure où les premiers peuvent recouvrir des initiatives non gouvernementales et apolitiques, mais aussi des initiatives ouvertement politiques. Celles-ci sont formulées par des citoyens qui n'ont d'autres moyens de se faire entendre par l'autorité que sous la forme d'engagements conventionnels ou non dans des espaces traditionnellement contrôlés par la puissance publique. Il faut rappeler qu'en général, la gestion de la sphère publique, dans sa dimension publicitaire au sens de Habermas relève de la prérogative de l'Etat qui assure le contrôle des idéologies participant de la formation politique des citoyens. Il en est ainsi des média et de l'administration publique dont le contrôle est encore plus accru dans les régimes de type autoritaire ou encore faussement démocratiques comme c'est le cas des pouvoirs successifs ivoiriens. Or, en Côte d'Ivoire comme dans nombre de pays africains, l'ouverture démocratique de 1990 a entraîné la multiplication des partis politiques, donc des opinions. Elle est aussi à l'origine de ce qui a été considéré comme le « printemps » de

la presse avec la naissance de nombreux journaux dans un espace contrôlé pendant longtemps par le quotidien progouvernemental et le journal du parti-Etat. Mais, l'avènement du multipartisme a très rapidement tourné à une illusion démocratique en Afrique. Les anciennes dictatures et nouveaux régimes « démocratiquement » autoritaires se maintiennent sous plusieurs artifices de manipulation des élections et/ou de modification des constitutions comme c'est le cas au Togo, au Cameroun, au Niger, au Tchad et plus récemment au Sénégal. Pire, on constate une mainmise de ces pouvoirs sur la gestion de l'espace public. Cela par la confiscation des média, le musellement de l'opposition, l'usage démesuré de la violence légitime, l'élaboration de politiques d'idéologie conservatrice à base clanique, religieuse ou ethnique comme l'ivoirité. Cette attitude s'accroit davantage en situation de crise politique et sociale où les politiques publiques se cristallisent autour de logiques identitaires. Cependant, cela n'est pas sans difficulté dans la mesure où, généralement, le contexte d'instabilité politique et sociale engendré par la crise induit l'affaiblissement de l'Etat. Cet état de fait a pour conséquence un relâchement de la pression et la libération, par la même occasion, des initiatives d'émancipation citoyenne. Dans ce processus, les différents acteurs sociaux, notamment les jeunes patriotes, se sont engagés dans des actions de défense et de soutien à l'Etat et à ses dirigeants, objets de critique de la part des rebelles, des partis de l'opposition, des pays voisins tel le Burkina-Faso et de la communauté internationale.

Ces mouvements sociaux de jeunes ont donné une nouvelle vigueur et une image controversée de la société civile ivoirienne qui s'est retrouvée très politisée à la faveur de la guerre. Cela rend encore plus complexe la problématique autour du concept même de « société civile », dont l'usage dans le contexte africain semble n'avoir pas encore obtenu le consensus des scientifiques. Mais, en dépit des questions ontologiques et des visions pessimistes d'une société civile africaine, en raison de la forte politisation, soit de ses revendications, soit de ses leaders, Loada (1999) s'appuyant sur l'expérience burkinabé, affirme qu'il n'est pas scientifiquement pertinent de dénier l'effectivité d'une société civile en Afrique, vu qu'elle y a contribué à des changements sociaux et politiques majeurs. A ce propos, Widner (1994) situe les associations à caractère civique à la base de l'émergence de la société civile depuis la période coloniale.

Toutefois, il faut analyser les mouvements sociaux des jeunes patriotes ivoiriens sous l'idée de société civile telle que présentée par Wilson et Johnson (2000). Pour eux, elle prend forme aux côtés de l'Etat en vue de lutter, par des actions, contre des inégalités, d'améliorer les conditions sociales, tout en évitant les problèmes d'exclusion sociale. Ainsi, les arrangements de

partenariats institutionnels entre l'Etat et les acteurs de la société civile et/ou de la société privée reposent, pour une grande part, sur une vision économique de l'action de la société civile (Mwabu, Ugaz, & White 1998 ; Robinson & White 1998). Cette action est perçue comme la voie par laquelle, à la fois la durabilité et l'amélioration du social sont atteintes au travers d'actions concertées. Selon les tenants de cette approche, les acteurs de la société civile prennent conscience d'une situation d'inégalité, une faiblesse des normes et de valeurs sociales ou d'insuffisance de régulation de l'Etat et définissent des buts puis mobilisent des ressources en vue d'agir dans le sens de ces buts. Cette vision économique de l'action de la société civile peut s'appliquer aux organisations membres de la société civile dans le champ politique, dans la mesure où celles-ci visent généralement à garantir les droits des citoyens, les libertés fondamentales individuelles et collectives, l'équité et l'égalité de tous devant l'Etat. A ce niveau, les travaux de Harbeson, Rothchild et Chazan (1994) ont montré comment la société civile a contribué à la renaissance politique en Afrique, notamment dans les vagues de transitions qui ont eu cours au début des années 1990. Ces actions politiques s'insèrent dans ce que Thevenot et Boltanski (1991) ont appelé les philosophies du bien commun.

La redynamisation des actions de la société civile en Côte d'Ivoire à travers les « agoras » et « parlements » des jeunes à l'occasion de la guerre permet donc de repenser les relations entre celle-ci, la société et l'Etat. De même, elle favorise un questionnement de la définition habermassienne de l'espace public perçu comme le lieu de la critique aux gouvernants. A ce niveau, si Neveu (1996) tend à limiter le mouvement social à sa dimension revendicative et protestataire dans le cadre d'une action collective, il faut noter qu'Amadiume (1997) dénonce le piège d'une logique binaire opposant l'Etat et tout ce qui serait non étatique. Il en découle donc qu'un mouvement social peut s'inscrire dans une logique de collaboration et pas uniquement contestataire.

En fait, les « agoras » et « parlements » des jeunes patriotes se sont plutôt formés aux côtés de l'Etat, bénéficiant même de ses moyens pour agir et légitimer une logique discursive non institutionnelle. Ces organisations ne sont pas des mouvements de contre – pouvoir qui veulent défendre et maintenir leur autonomie, mais plutôt des organisations qui visent à défendre le pouvoir en place par la formation de l'opinion publique puis de modifier ainsi les rapports de domination entre société et Etat. Au-delà des rapports de forces entre gouvernants et gouvernés dont la redistribution conjoncturelle se renforce aujourd'hui, il s'est instauré une sorte de collusion d'intérêts à différents niveaux entre ces acteurs. Cela donne l'image d'un « deal » qui ne favorise plus la formulation de revendications sous la forme contestataire. Ce sont là des pratiques qui favorisent bien au contraire chez les groupes subordonnés,

notamment les jeunes, le passage à l'action collective qui prend en compte les stratégies individuelles d'accès et de gouvernance du système de domination. Elles permettent aussi le dépassement théorique nécessaire à faire de la logique binaire (société civile / Etat) dans l'analyse des mouvements sociaux.

Dans cette perspective, Habermas a été l'objet de critiques par l'historienne Farge (2002) pour qui l'espace public n'est pas seulement constitué par une bourgeoisie ou des élites sociales cultivées mais aussi par la grande masse de la population. Celle-ci forge par elle-même les notions de liberté d'opinion et de souveraineté populaire. Pour Farge (op.cit), le peuple tente ainsi de se forger une identité en s'émancipant par la discussion politique. Celle-ci est au cœur de l'action des « parlements » et « agoras » des jeunes patriotes en Côte d'Ivoire. On note ainsi la caporalisation de la discussion politique par la société civile, au détriment des institutions étatiques depuis le début de l'année 2003, particulièrement après la signature des accords politiques de Marcoussis.

Conclusion

Les exigences d'un mode de régulation démocratique en Côte d'Ivoire, dues au retour au multipartisme en 1990, ont entraîné des bouleversements dans la gouvernance d'un espace public ivoirien désormais traversé par des rapports sociaux et politiques complexes. Mais, après cette ouverture, à l'instar de nombre de régimes africains, les régimes successifs ivoiriens avaient mis en œuvre des mécanismes de contrôle du jeu politique. Ceux-ci se sont traduits par des tentatives de musellement de l'opposition, l'accaparement et la caporalisation des média d'Etat et des institutions, en un mot, par la régulation autoritaire généralement violente de l'espace public qui ont conduit à de graves crises, et à la guerre. L'affaiblissement de l'Etat, à l'occasion de la crise militaro-politique de ces dix dernières années, a constitué un facteur déterminant dans la mutation de ces mouvements sociaux. Ils s'adaptent ainsi au milieu et au moment dans lesquels ils naissent. La société civile, dans sa composante constituée par les mouvements des jeunes patriotes, est passée d'une phase d'administration de l'espace public dans une logique contestataire du rôle de l'Etat pour le combat de démocratisation, à une administration complémentaire à celle opérée par l'Etat. Cette évolution établit des rapports d'un type nouveau entre l'Etat et la société civile. Par l'ampleur de leurs mouvements et de leurs discours, par l'animation quotidienne des « agoras » et des « parlements » ces dernières années, les jeunes ont, à maintes re-prises, renforcé la « résistance » du régime en place et tenté de restaurer les institutions de l'Etat. Ils ont modifié ou freiné certaines actions et mesures de l'ex-rébellion et de la communauté internationale visant à affaiblir les insti-tutions étatiques. Cette étude permet de poser que la démocratisation de

l'espace public africain passe sans doute par un retournement et une acceptation d'une critique formulée par les soutiens de l'État et de ses gouvernants. La mutation de l'espace public africain, mais aussi de sa société civile par le soutien qu'elle apporte à un Etat en difficulté comme en Côte d'Ivoire semble donner plus d'échos théoriques à une transformation des relations entre Société et Etat dans le sens de rapports non figés.

Notes

1. Les « agoras » et « parlements » sont des entités à l'intérieur de la galaxie patriotique née suite à la guerre déclenchée en septembre 2002 en Côte d'Ivoire. Ce sont des espaces publics dans les quartiers d'Abidjan et de l'intérieur du pays qui servent de tribunes à l'information politique des masses. Ces espaces reçoivent des leaders du parti au pouvoir, le FPI ou de la société civile qui lui est proche. Ils sont animés selon les endroits quasi-quotidiennement. Les plus illustres et populaires restent ceux de Sorbonne-Plateau et Yopougon-Sideci. Le premier a accueilli plusieurs députés proches du pouvoir, et surtout le président de l'Assemblée nationale Mamadou Koulibaly. Le second a, lui, reçu le président de la république Laurent Gbagbo comme orateur. Ces espaces ont toutefois fait leur mue à l'occasion de l'APO en s'ouvrant aux leaders des partis de l'opposition (RDR et PDCI-RDA) et de l'ex-rébellion afin d'engager le débat d'idée.
2. Celle-ci est perceptible à travers la recrudescence des arrestations et des emprisonnements arbitraires des leaders de l'opposition (RDR).
3. Code foncier/code électoral ou la Constitution.
4. Par l'utilisation du bulletin unique et l'urne transparente, puis le vote des jeunes de 18 ans.
5. Rassemblement des Houphouétistes pour la Démocratie et la Paix.
6. Mouvement des Elèves et Etudiants de Côte d'Ivoire.
7. Fédération Estudiantine et Scolaire de Côte d'Ivoire.
8. Front Populaire Ivoirien.
9. Parti Démocratique de Côte d'Ivoire – Rassemblement Démocratique Africain
10. Albert Tévodjré et Pierre Schori ont été les plus critiqués tant pour leur comportement tendant à fouler aux pieds la souveraineté du pays que pour leurs prises de position jugées favorables aux rebelles.
11. Groupe de Travail International, composé notamment de la France, du représentant spécial de l'ONU et de l'UA, de la CEDEAO, etc., mais dont la mission floue avait souvent entraîné la contestation de ses décisions par le camp présidentiel. En Janvier 2006 par exemple, ce groupe s'est cru le devoir de se prononcer sur la dissolution de l'Assemblée nationale dont le mandat des élus avait expiré, alors même que les autorités ivoiriennes, arguant de la souveraineté de l'Etat ivoirien, lui refusait ce droit. Cette décision avait entraîné de violentes manifestations contre les symboles de l'ONU à Abidjan.

12. Lors de l'opération dignité visant à reprendre la zone occupée par la rébellion par l'option militaire, l'armée ivoirienne avait été accusée d'avoir bombardé un camp de l'armée française basée à Bouaké, dans le centre du pays. En représailles, les forces françaises de l'opération Licorne avaient détruit tous les appareils de l'armée de l'air ivoirienne. Ces évènements avaient provoqué des manifestations violentes anti-françaises, mais avaient aussi occasionné des violences contre les ressortissants français et de nombreux morts dans le camp des jeunes patriotes, en raison de l'usage d'une surpuissance par l'armée française.

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State Failure, Crisis of Governance and Disengagement from the State in Africa

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Abstract

The post-colonial state in Africa has continued to dominate the public space on the continent in spite of its well advertised failings. It is widely acknowledged in the literature that the African state has utterly failed in achieving material advancement for its people, leading disenchanted and frustrated citizens to take a 'flight' from the state and develop parallel structures to tend to their socio-economic and cultural needs. This situation, symptomatic of a crisis of governance, provides immediate explanation for the contested character of Africa's public sphere.

This paper examines the nature of contestation in Africa's public sphere between the two dominant actors in the sphere – the state and civil society, the ideological underpinnings of this contestation and the impact of domestic and external contexts on the contestation. The paper observes that the declining capacity of the state for social provisioning provides the context for citizens' withdrawal from the public space occupied by the state. The paper argues that disengagement from the state, apart from not serving the interest of both the state and civil society, has serious implications for governing Africa's public sphere.

Résumé

L'Etat post-colonial en Afrique a continué à occuper largement l'espace public sur le continent malgré ses échecs bien connus. La littérature a généralement reconnu l'échec de l'Etat en Afrique qui n'a toujours pas répondu aux attentes quant à la réalisation de progrès matériel pour son peuple. Ceci a poussé les citoyens désenchantés et frustrés à « fuir » l'Etat et à créer des structures parallèles, afin de prendre en charge leurs propres besoins socioéconomiques et culturels. Ce phénomène qui est symptomatique de la crise de gouvernance est la toute première explication de la nature contestataire de la sphère publique en Afrique.

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Cette étude se penche sur la nature de la contestation qui oppose deux principaux acteurs dans la sphère publique – l'Etat et la société civile –, les soubassements idéologiques de cette contestation et l'impact des contextes interne et externe sur cette contestation. D'après cette étude, l'incapacité croissante de l'Etat à assurer le social créé le contexte pour le retrait des citoyens de l'espace public occupé par l'Etat. Le désengagement par rapport à l'Etat, outre le fait qu'il ne sert pas les intérêts de celui-ci ni ceux de la société civile, a de graves implications pour la gouvernance de la sphère publique en Afrique.

Introduction

The post-colonial state in Africa has continued to occupy the centre stage in African political space. Its continuing dominance is however by no means a consequence of its relevance to the non-bourgeois sector of African citizenry by way of social provisioning. Indeed, as a social institution, African state is a weak organisation in terms of efficient social delivery while in its relationship with civil society, it is a strong force which heavily depends on 'its coercive and violent apparati to sustain itself' (Osaghae, Isumonah and Albert 1998). It is a consensus among students of African state that the post-colonial state has woefully failed in achieving material advancement of the ordinary people of the continent while those who manage the state and their cronies continue to enjoy unfettered access to state resources through a well-oiled patron-client system. This has earned the state in Africa such adjectives as 'the rentier state', 'the prebendal state', 'the predatory state' and 'the kleptocratic state', all stressing the irrelevance of the state to the ordinary people. This represents the heart of the crisis of governance rocking the state in Africa. The on-going governance crisis in Africa and the attendant failure of the hegemonic project of the African state gives strength to the contention of Jackson and Rosberg (1982) that the state in Africa lacks the attributes to meet the definition of the state conceived in terms of capability to control the people in its internationally recognised territory.

The expectations of African people, following the political liberalisation of the early 1990s have been replaced with rising frustrations. After two decades of uninterrupted liberal democratic rule in most of Africa, African leaders have failed to steer the continent in a way that positively impacts on the material conditions of the people while civil liberties of the citizens are still assaulted, sometimes with impunity, by the state and its agencies. The immediate consequence of this governance deficit is the disengagement of African citizens from the state-controlled portion of public space. Disengagement simply refers to a retreat from the state by disaffected segments of the citizenry with its attendant creation of parallel social, cultural,

economic and even political systems competing with state institutions (Mutfwang 2005). These parallel structures tend to gain influence and authority in the face of the declining relevance of the state, particularly at the local level of state governance (Adejumobi and Seteolu 2002). Disengagement, to be sure, is a consequence of the failure of African state to deliver development to the African people and to engender a governance apparatus that is responsive and accountable. The phenomenon of disengagement is induced by the perception of the state as oppressive rather than rewarding (Azarya 1994) and thus could not relieve people of their burdens but would rather worsen same.

Today, African regimes and their legal-politico institutions are not only intolerant of opposition but are distrustful of, and attempt to muzzle alternative sites of value or ideology production. This governance attitude is a carry-over from the immediate post-independence period when development and national integration efforts of the newly independent African regimes were defined in terms of centralist logic which frowned at independent political action and contestation of state policies (Olukoshi 2003). The authoritarian character of the African state however became more decisive with the introduction of the Structural Adjustment Programme (SAP) on the continent in the early 1980s in large part because the implementation of SAP, given its unpleasant social consequences, required a 'strong state'. The neo-liberal character of SAP essentially meant retrenchment of the state from entrepreneurial activities. Ultimately, it favoured a minimalist state restricted to providing an enabling environment for private sector-driven production. Structural Adjustment precipitated a general erosion of the relevance and effectiveness of the state economically and politically while adjusting regimes were overwhelmed by pressures internally and externally. Regimes' capacity for action was undermined by the scaling back of public expenditure. Public sector workers, in the face of poor conditions of service in the sector, were not only morally compromised but were also demotivated (the South Commission 1990).

Conceptual Definitions: Public Sphere and State Failure

Public Sphere
Since Jurgen Habermas's 1962 influential work on the conceptualisation of public sphere, copious scholarly efforts have been invested in understanding the concept and its various dimensions. Much of these works, while criticising Habermas's effort, have succeeded in enriching the conceptualisation of the concept of public sphere by providing useful insights to its essence and nature. Public sphere, for this study, is operationalised as a social space in

which the state and other non-(or anti) state actors operate. Private sphere, on the other hand, refers to the household or family life. In their extreme conceptions, private sphere (conceived as family life) and public sphere (equated with the state) tend to suggest that there is no middle public space occupied by civil society (Habermas 1978). This is erroneous as civil society occupies that portion of the public realm between the state and the family, thus distinguishing it from political society or formal state.

The public sphere has remained a contested terrain in Africa, not only because of the irreconcilable interests of the two major actors in Africa's public realm (the state and civil society), but also because of the proclivity of the state, driven by its proprietary view of the public domain, to appropriate and monopolise the public sphere. The state in Africa, in spite of the monopolising posture and domineering tendencies of its managers, does not exclusively own Africa's public sphere. Rather, it is merely a co-actor in the public domain functioning through consciously designed structures. On the other hand, the non-state domain or associational life activities which aim at either limiting the power of the state or ensuring autonomous reproduction of socio-economic and political life constitute civil society. The proprietary attitude of the state towards the public sphere is one driven by political, economic and military resources at the disposal of the state which, it confidently believes, puts it at an advantage over other actors in the public realm. This awesome resource base of the state intoxicates it into believing that not only does it have the power to determine those other actors it will allow to co-habit with it in the public sphere, but it can also drive them out of its 'property'. This attitude, observes Ekeh (1992), is radically different from what obtains in the West where the ruling elite do not claim to own the public space but regard themselves as 'the tenants of history' that created the public space. Civil society, according to Keane (1998), refers to an aggregate of institutions whose members are engaged in a complex of non-state activities, economic and cultural production, household life and voluntary associations and who in this way preserve and transform their identity by exercising all sorts of pressures or controls upon state institutions.

Africa's public realm is replete with a rich array of civil society groups covering ethnic, religious, communal, professional and trade organisations that operate at the margin of the state. Civil society organisations are autonomous groups which share the public realm with the state and which the state cannot wipe out of existence (Ekeh 1992). The operation of civil society groups in Africa's public sphere has been buoyed by the new thinking on the political redemption of the post-colonial state which recognises civil society as a viable instrument of reforming the state from below. This contrasts sharply with the modernisation thesis of the 1960s which urged that only

strong states represented the path to African political redemption in the post-colonial period. Needless to point out that the expected modernisation did not occur while many of the immediate post independence regimes degenerated into dictatorships either of one-party states or of military genre. It should however be stressed that civil groups in Africa operate with varying levels of contact with the state and equally varying degrees of capacity to serve as agents of democratisation. While there are civil society groups such as pro-democracy/human rights groups, trade unions and students' movements who confront the state in a struggle for the expansion of the democratic space and respect for human rights, there are others mainly cultural/ethnic associations who, formed on the basis of kinship, are only concerned with the welfare of their members and hardly penetrate into the civic public realm. Therefore, civil society is not a homogenous or an undistinguished entity. It is a pluralist formation whose components/constituents are as varied as their cultural and socio-economic interests as well as the primary factor that led to their emergence. This point needs to be stressed against the backdrop of the tendency in the literature to treat civil society as a homogenous non-state entity vis-a-vis the state.

The portion of the public sphere which the state controls can be equated with what Ekeh (1975) calls 'the civic public' which in his words operates on 'amoral codes of behaviour'. Basically, a colonial creation with a primary motive of servicing the interests of its metropolitan creators, the colonial state in Africa was perceived by Africans as alienatory, repressive and oppressive. The nationalists who took over power from the colonialists after formal independence, and later the soldiers, have failed to transform this character of the state. Rather, the post independence governing elite have succeeded in deepening these attributes of the colonial state in the post-colonial era. Thus, ordinary people in Africa could not relate to the state as 'our own'. It is thus conceptually wrong to, as Fatton Jr. (1992) suggests, refer to the public sphere as being synonymous with the state. One tragic factor that undermines governance renewal efforts in Africa today is, issuing from the failure of the state to tend to the material needs of the citizenry, the rapid disengagement from the public sphere by the people who now set up non-state structures to cater for their social, cultural and material needs. These structures represent what Osaghae, Isumonah and Albert (1998) call 'an alternative state'.

State Failure

The concept of state failure like a related one, state collapse, has remained a contested concept in social science discourse as the concept is perceived in different ways by scholars with diverse intellectual orientations. Ted Gurr

captures the conceptual chaos in the literature on the meaning of 'state failure' when he contends that 'state failure has currency… but it is not entirely clear what it refers to other than the instances used to illustrate it' (Gurr 1995). The prevailing tendency is to treat the two concepts interchangeably. It is however true that the two are distinct, with each manifesting itself in different forms. According to Kieh (2000), state failure is a performance-based term referring to 'the inability of a state and its custodians to adequately address the cultural, economic, political and social needs of its citizens.' On the other hand, state collapse is a sustenance-based concept referring to the incapacity of the state to reproduce itself. It occurs when a state experiences a total breakdown of the entire political order, including the structures and authority of the state. While a collapsed state needs a complete reconstitution for its re-generation, a failed state can be reformed through improved governance system infused with such attributes as popular participation, responsiveness, accountability, transparency and efficient social delivery. However, in the absence of a genuinely designed and inclusive reconstitution process which addresses the salient issues that precipitated its earlier collapse, a state emerging out of a collapse may suffer a re-collapse. Historically, there have been manifestations of the two phenomena in the evolution of nation-states in the world. On the one hand, the events that led to the collapse of the monarchical state in France; the emergence of the former Soviet state from the old feudal state in Russia; the later collapse of the Soviet state itself; as well as the emergence of new states from the debris of war-torn old states of the Congo, Liberia and Rwanda in Africa typify the phenomenon of state collapse. On the other hand, to the extent that popular yearnings and aspirations of the African people are yet to be met by African regimes, virtually all African countries are failed states.

Theoretical Framework of Analysis

The literature is replete with divergent perspectives on the nature and essence of associational life. However, in spite of the different paradigms adopted by diverse intellectual orientations to theorise civil society, they find a common ground on their emphasis on the externality of civil society to the state; its independent material base; and its capacity for self-organisation. This study adopts deprivation theory as theoretical framework of analysis. The central thesis of the theory is that material deprivation is at the root of citizens' retreat from the public sphere controlled by the state in Africa. According to the proponents of this theory including David Reismen, Hannah Arendt and Will Kornhauser, the failure of the state to make the needed intervention in the face of the worsening material status of the people challenges the citizens

to collectively organise, through a platform outside of the control of the state, to arrest their miserable conditions capable of making their future precarious. According to Kothari (2002), 'such a pervading sense of uncertainty has given rise to pyramids of insecurity, helplessness, bewilderment, withdrawal, cynicism and apathy'.

This theory forcefully explains the evolution and subsequent implosion of civil society groups in Africa, particularly between late 1970s (the outset of economic recession) and early 1980s (when SAP was foisted on the continent as a policy response to Africa's economic crisis). The failure of the state to ensure material advancement of the people turned African people against the state, prompting them to seek alternative sites of cultural and material production. Two major weaknesses of the theory lie in its 'economic determinism' and the inherent assumption that civil groups cease to exist once economic hardship eases and people experience improved material conditions. The exclusively materialistic approach of the deprivation thesis tends to downplay the importance of such political factors as dictatorial and unpopular regimes with the attendant rights abuse in the emergence of associational life. Dictatorial regimes often turn the state against citizens who then form associations that serve to checkmate the proclivity of the state to tyranny. The point that needs to be stressed here is that Africa is replete with an array of civil society organisations with diverse concerns and modus operandi. This explains why civil society in Africa assumes particularistic character (Bratton 1994). The assumption of the theory that existence of civil society associations is tied to material deprivation does not fully capture the essence of civil society. For all we know, associational life exists beyond the period of economic hardship as it does exist even after the collapse of authoritarian regimes. To restate in another way, civil society does not only exist when locked in confrontation with the state but continues to exist even after the subject matter of state-civil society contestation has been resolved. Kasfir (1998) recognises this point when he observes that civil society remains in existence even when its constituents are not locked in confrontation with the state.

Colonial Roots of Contested Public Sphere in Africa

The African state did not emerge through 'a gradual process of aggregation or expansion of indigenous societies' (Joseph 1991). It is essentially a product of foreign conquest and domination. The coercive, arbitrary and absolutist character of the colonial state manifested in its total domination of the colonial political economy. The colonialists controlled education, trade, labour, land allocation and social services. To perpetuate this domination, the colonial

state was not only intolerant of any potential challenge to its absolute powers, but rejected restrictions to the manner it dispensed state power.

The colonial state was a statist and powerful institution. Some of the salient characteristics of the state included discrimination, economic exploitation, social (racist) segregation, forced labour and remiss of social services. Flowing from the peculiar circumstances of its birth and raison d'être, it needed to be an omnipotent force to accomplish its mission and to reproduce itself in the face of a hostile colonised population (Ake 2001). Colonialism was driven by an ideology which portrayed African people as ahistorical, primitive and uncivilised and therefore needed colonial tutelage to launch them into 'the mainstream of modern civilisation' (Nnoli 2003). This colonial ideology essentially meant social closure against African people.

The conditions of alienation, discrimination and humiliation engendered by colonialism provoked reactions from the colonised people which pitched them in deadly confrontation with the colonial authorities as evident, for examples, in the Mau Mau insurrection in Kenya and the Aba Women riots in Nigeria. The anti-colonial struggle was led by the nationalists with the heavy support of intellectuals, urban workers, the press and the peasantry to constitute what is referred to in Africa's decolonisation history as the 'anti-colonial coalition'. Thus, the nature of contestation in the public sphere under foreign rule took the form of struggle for national liberation between African people and colonial oppressors, a struggle that spanned almost a century in Nigeria (1861 to 1960). For African people, they believed that independence which was the end goal of liberation struggle would bring an end to the backwardness, abject poverty and deprivation they were being subjected to by colonial rule. However, apart from the nationalist movement, there were sundry other groups that posed challenges to the colonial state. Smith (1960) has documented the challenge to the British rule in 1906 by a Hausa Madhist group which operated in the outskirts of Sokoto in Nigeria.

Nature of Contestation in the Public Sphere in the immediate Post-colonial Period

Apter (1965) has rightly observed that the function of encouraging loyalty and support by government is performed badly by regimes in the developing world. For Apter, since it is upon the performance of this function that state legitimacy is anchored, the poor (or in the extreme, non) performance of this function puts political groups in a position of high leverage with the state. While Apter's observation generally represents a fair assessment of the state in peripheral economies, the situation in Africa is more tragic. The post-colonial state in Africa in several respects is a continuation of its

precursor, the colonial state. It inherited virtually all the salient features of its colonial forebear, including its lack of legitimacy and capacity to deploy violence against civil society. Ake perceptively captures the character of the post-colonial state at independence in the following words: 'It continued to be totalistic in scope… It presented itself as an apparatus of violence, had narrow social base and relied for compliance on coercion rather than authority' (Ake 2001). Post-colonial African leaders have grossly failed in changing the character of the colonial state as 'a coercive force unable to transform power into authority and domination in to hegemony' (Ake 1994) into that of an organisation capable of meeting the genuine aspirations of African citizenry. The state in Africa, five decades after flag independence, is still regarded as a threat to civil society, leading on the one hand to the withdrawal of most African citizens from the improvident and predatory state; and on the other hand the creation of alternative sites of social provisioning. The emergence of these parallel sites has not only almost displaced the state but has also reduced it to 'a power resource and a fearsome nuisance' (Ake 1994).

Citing several reasons, Africa's new state managers at independence adopted statist model of development which gave the centralised state a leading role in social and economic development. The centralising logic inherent in statist model of accumulation produced an over-bloated and over-bureacratised state which itself became a major user of scarce public resources, not only in terms of running the overstaffed state bureaucracy, but also in terms of privatisation of public resources by the ruling elite that lacked the discipline of economic production. Centralising logic was also the defining element of the twin projects of democracy and development initiated by Africa's new leaders at independence. These ideologically designed projects were initiated as a legitimacy-building tool to contain the frustrations arising from the realities and challenges of independence. For Africa's new men of power, the cause of democracy and development was better served in a political context devoid of oppositional attitudes. This essentially translated into the absence or criminalisation of political dissent and rationalisation of single-party regime. It was not too long before it became apparent that the centralising logic could not take the continent to the 'Promised Land' as state institutions could no longer meet public expectations, which led to the alienation of leaders from followers. The expectation-delivery gap precipitated frustrations among the citizenry, which led to loss of legitimacy by the state. The immediate reaction of the people to this symptom of state failure was open resistance and withdrawal from formal economic activities, prompting the emergence and spread of informal economy, flourishing outside of state control.

Economic Crisis, Adjustment and Exiting from the State: Africa's Public Sphere in the 1980s

The genesis of the economic crisis troubling the African continent could be traced to the late 1970s and its severity is underscored by its persistence till the present time. The immediate factors that accounted for Africa's economic problems in the 1970s included oil crisis, neglect of agricultural sector, unfavourable terms of trade and mounting indebtedness. However, more importantly, the strategy of development adopted by African leaders in the early years of independence, as well as official corruption inherent in statist model of accumulation, played decisive roles in precipitating economic crisis on the continent during this period. Adopting import- substitution industrialisation as a strategy of development, African countries embarked on massive importation of inputs needed for achieving expansion of the manufacturing sector with earnings from the agricultural sector, precisely cash crop production, as the source of financing. Following the rise of the oil economy in the 1970s in Nigeria for example, the financing of the import needs of the Nigerian state was replaced with the petrodollars earned from oil exports even as agricultural productivity drastically declined (Olukoshi 1993). The export earnings from oil accruing to the Nigerian state considerably expanded its revenue base in the 1970s, which accentuated the immensity of state power and made same rabidly attractive to the fractions of the ruling elite (Animashaun 2007).

By the early 1980s, there was a fall in the international market of oil, resulting in a dramatic shortfall in the revenue accruing to the state from this natural resource. As documented by Olukoshi (1991), Nigeria's earnings from oil fell from about N10.1 billion in 1979 to about N5.161billion in 1982 which negatively impacted on the capacity of the state to service the domestic economy. The scenario in Nigeria represented the general pattern and dimensions of the economic crisis across African countries. The deepening economic crisis afflicting Africa had become more severe by the early 1980s and this provided the context for the introduction of the World Bank/IMF-inspired Structural Adjustment Programme (SAP) on the continent.

SAP made its entry into Africa as a result of the escalation of the economic crisis plaguing African countries. The pace of adoption and implementation of the SAP prescription on the continent was so rapid that by the late 1980s, almost all countries of Africa had latched on to the programme. Fadahunsi (2005) identifies the defining elements of SAP as including deregulation and privatisation; removal of subsidies; strengthening of the existing demand agreement policies; faster movement towards a more realistic exchange rate; rationalisation of import items and excise duties; replacement of administrative

controls with reliance on market forces; adoption of appropriate pricing policies, especially for wasting assets like petroleum products; and rationalisation of parastatals. The bitter and people-unfriendly SAP pill required a repressive and authoritarian regime to push through the programme on the continent. This led to a situation where African state deepened its authoritarianism, brazenly violated citizens' rights and increasingly became high-handed in its dealing with civil society. For example in Nigeria, the Babangida dictatorship, confronted with a dogged determination of civil groups opposed to SAP, adopted a host of authoritarian measures, such as proscription of popular movements like Nigerian Labour Congress, Academic Staff Union of Universities and National Association of Nigerian Students; closure of radical media houses and detention of civil society activists.

In contrast to the promises of SAP as the new economic orthodoxy for developing economies, as touted by the authors and implementors of the programme, SAP turned out to be a huge social failure across adjusting countries. Most people in Africa and Latin America witnessed a substantial drop in living standards as per capita incomes markedly declined. Industries were operating at half capacity utilisation. There was a huge job loss in the public sector while victims of rationalisation/retrenchment resorted to 'much more precarious and ill-paid work in the informal sector' (UNRISD 1995). Indeed, in one and a half decades of the implementation of SAP, poverty deepened in sub-Saharan Africa (Rodgers and van der Hoeven 1995). The implementation of the policy components of SAP worsened in a profound manner the endemic legitimacy crisis troubling the post-colonial state since its emergence after the end of colonial rule. According to Beckman (1990), the 'restructuring of incentives brought about by SAP makes it difficult to sustain the political coalitions underpinning the state; SAP drives wedges into pre-existing alliances; it undercuts the interest mediation previously managed by the state; it obstructs ideological legitimation…' Social costs of SAP were so pervasive that the various cushioning programmes infused with social dimension, reluctantly designed by the Bretton Woods twins to mitigate the hardships, failed to make significant impact on social decline and growing poverty on the continent which emptied citizenship of its social content (Olukoshi 2003). At any rate, SAP could not have mitigated African economic crisis in any significant way since it was consciously designed to manage African crisis more in a way that served the economic interests of the West than in exiting the continent from the crisis (Kankwenda 2002).

The political repression and exclusion generated by SAP widened the social gulf between the state and civil society forces, and also brought out in bold relief the alienatory and arbitrary character of the state (Momoh and Seteolu 2006). At another level, the disengagement of African state from

critical social provisioning produced a sort of 'state closure' in which only state managers and their cronies had access to state resources through patronage (Jega 2000). The reaction of African people to the excruciating pains of SAP took two major forms: street protests and disengagement from the state. Unable to cope further with the consequences of the strict implementation of the elements of SAP, African citizens trooped to the streets across major African cities to protest against the dehumanising conditions engendered by the SAP regime. The response of African regimes to popular protests against harsh adjustment reforms and increasing authoritarianism had dual character of concession and repression. On the one hand, where the demonstrations centred on resistance against declining material conditions, the regimes responded through reduction of user charges for public utilities and an upward review of public sector salary and other emoluments. On the other hand, where the protests assumed political overtones that tended to threaten regime survival, African leaders responded in a brusque repressive manner deploying state instruments of coercion to unleash violence on the people. Structural Adjustment Programme also induced disengagement from the state by African citizens, following the inability of the state (its capacity for social provisioning having been emaciated) to ensure social citizenship. Ake (2001) summarizes the nature of 'exiting' from the state under the SAP regime thus:

> Structural adjustment programmes...forced the masses in Africa to turn away from states that seem helpless in the face of a persistent and deepening crisis, states whose ability to maintain social services and infrastructure are visibly declining or non-existent. For the most part, people are turning to community organisations, special interest groups and self- help projects to survive and to arrest the erosion of social services as well as the collapse of the social infrastructure.

Africa's Public Sphere in the Post-SAP Era

There has not been any significant change both in the character of the state and the material status of African citizenry in the post-SAP period. While it is easily conceded that SAP no longer exists in its pristine form in Africa today, the economic policy thrusts of African regimes still continue to be laden with heavy dose of neo-liberal character. Absolute poverty threatens majority of African population, per capita income is ever decreasing, rationalisation continues in the public sector, state continues to abdicate its responsibilities to the citizens by disengaging from social service delivery while violation of citizens' rights remains a salient feature of state governance. All these have combined to make the post-colonial state irrelevant to the ordinary people of

the continent. The state is perceived as an alien and oppressive institution which should be avoided. The consequence of this is the withdrawal of the people from the state and its share of the public sphere. This retreat is evident, for examples, in the growing establishment of and enrolment in privately-owned schools; engagement of private security providers; and initiation of self-help projects such as road construction and provision of water.

It requires no special knowledge to discern the implications disengagement from the state has for public sphere governance in Africa. First and foremost, the rapidly declining legitimacy of the state will be completely eroded. The state will continue to be perceived as a criminal, oppressive and alien institution which will not encourage people to be mobilised for achieving national goals. Also, exiting from the state makes the emergence of national political society very difficult. Furthermore, civic public will continue to be governed by lack of morality while primordial loyalty gains precedence over national loyalty. These implications portend grave consequences for the African state and its managers in particular and the public sphere in general. There is therefore an urgent need to embark on efforts aimed at transforming both the state and the public sphere in Africa. In the next section of the paper, I propose some measures that are capable of reforming the state and transforming Africa's public sphere.

Transforming Public Sphere in Africa

There is no contesting the fact that what Africa needs as part of its governance renewal efforts is re-construction of the public sphere in a manner that encourages popular participation which lubricates participatory democracy. Since the state is not permitted to 'kill' civil society and capturing state power is not one of the aims of associational life, the challenge before African continent is how to re-construct its public space in a manner that guarantees cordial co-habitation of the two sectors in the public space. The re-construction should be designed in a way that moderates the claims of the state for exclusive ownership of the public realm while simultaneously encouraging the ordinary people to have a more proprietary sense of the civic public sphere (Ekeh 1992). The re-construction process should encourage mutual engagement between the state and civil society 'without the state overguiding the process' (Azarya 1994) of engagement as to put civil society under state control or surveillance. This kind of framework will encourage civil society to develop an attitude of 'voice' rather than 'exit' in state-society interface. It is only through such process that Africa's public sphere can be re-constructed or re-defined. The greatest governance challenge confronting African regimes is earning legitimacy from African people. This

challenge is best overcome through creation of responsive and accountable governance system. To attain this requires radical transformation of the state from 'a private network of relations built around the ruler and his entourage' to 'a set of impersonal institutions serving the general interest' (Nzongola-Ntalaja 1998). This transformation will ultimately ensure citizens' participation and their preferences will find expression in public governance. Reflecting on the imperative of reconstructing the African state, Onimode (2000) perceptively observes that any meaningful transformation of the post-colonial African state 'requires mass mobilisation, especially of the poor and rural population, popular participation and empowerment of the people at all levels of society, a systematic and all-inclusive political education as well as the promotion of popular choices of policies and programmes…' The failure of the orthodox neo-liberal adjustment programme with its attendant market logic after more than two decades of intellectual hegemony has compelled a re-thinking of the strategy of African recovery. The new perspective favours a return to developmental state with its major attributes of social responsibility, social citizenship and social provisioning (Olukoshi and Laakso 1996). The new developmental state must however be rooted in democratic norms in order to minimise the prospects for the re-emergence of the democratic deficits that characterised earlier attempt at developmentalism in the 1970s. This new perspective essentially negates the aggressive promotion of neo-liberalism on the continent by the countries of the North and their pro-market theorists, a promotion which, Nzongola-Ntalaja (2000) insists, is rooted in 'abstraction of the historical development of Europe, North America, Japan and East Asia' all of which share a markedly different historical experience with Africa. This historical fact supports adoption of different strategy of development which must recognise the peculiarities of a society in terms of its historical and socio-economic mutation.

Conclusion

This paper has attempted to examine the phenomenon of disengagement from the state in Africa in the post-colonial era. It observes that while the phenomenon predates the post-colonial state, the dismal developmental performance record of the post-colonial African regimes provides the context for the continuing withdrawal of the citizens from the state till the present time. The declining capacity of the state for social provisioning which adversely impacts on the material status of African citizens on the one hand, and the increasing authoritarianism and repressive tendencies of the state on the other hand, have encouraged the flourishing of 'politics at the margin of the state'. The paper concludes that permanent exit from the state serves neither the interest of the state nor that of civil society. For the state, it

worsens the crisis of legitimacy which it inherited from its colonial predecessor. For civil society, it is only within the state system that the reciprocal rights associated with state-citizen relations can be claimed. More importantly, civil society groups need a sound legal regime provided by the state for their autonomy and reproduction. This throws up a huge challenge of developing a pro-active framework that facilitates mutual engagement of the state and civil society in the public arena, with a view to lessening the totalising claims of the state to the political space of the public realm while simultaneously creating an enabling environment for associational life to thrive.

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L'institutionnalisation des délibérations dans l'espace public au sein des chefferies Bamileke de l'Ouest-Cameroun

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Résumé

Cette étude s'appuie sur les différentes variances du néo-institutionnalisme pour analyser le processus par lequel la délibération dans l'espace public s'érige en une véritable institution dans les chefferies bamiléké de l'Ouest-Cameroun. Elle révèle que loin d'apparaître comme une génération spontanée, la délibération dans l'espace public ici se présente plutôt comme une réalité que les acteurs socio-politiques construisent et reconstruisent en permanence à travers certaines de leurs actions et interactions. Suite à cette construction, la pratique délibérative dans la sphère publique s'est inscrite dans une trajectoire ayant débouché dans une large mesure sur son érection en l'un des traits essentiels de la culture bamiléké. Car non seulement elle s'est progressivement imposée comme un véritable socle sur lequel reposent toutes les décisions politiques, mais également elle connaît au fil du temps de perpétuelles métamorphoses marquées par une harmonieuse combinaison des acquis de la tradition et des exigences de la modernité, ceci lui permettant de faire face aux diverses forces environnementales qui tendent à amollir sa vigueur.

Abstract

Based on the different variances of neo-institutionalism, this paper attempts to analyse the process through which public space deliberation is becoming a real institution in the Bamileke chieftaincies of Western Cameroon. It demonstrates that far from appearing as a spontaneous generation, public space deliberation represents here instead a reality that socio-political actors are permanently building and rebuilding through their actions and interactions. Following this construction, public sphere deliberative practice followed a trajectory mainly leading to its being erected as one of the main characteristics of the Bamileke

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culture. This has been so thanks to the fact that, it has established itself
as a real base on which all political decisions have rested, and has also
been undergoing over time constant changes marked by an harmonious
combination of acquired traditional values and modernity demand, which
helps it face up to the diverse environmental forces tending to weaken its
dynamism.

Introduction

Envisager l'étude des délibérations dans l'espace public au sein des chefferies
bamiléké de l'Ouest-Cameroun peut à première vue paraître absurde et dénué
de pertinence scientifique. Car par définition, un espace public est surtout un
lieu de controverse où se discutent les problèmes publics. C'est avant tout
« un espace symbolique où s'opposent et se répondent les discours, la plupart
contradictoires, tenus par les différents acteurs politiques, sociaux, religieux,
culturels, intellectuels, composant une société » (Wolton 1997:379). Or par la
chaîne de leur ascendance généalogique et surtout par l'auréole de sacralité qui
les entoure, les chefs traditionnels ici apparaissent comme l'épicentre de la vie
sociale et politique et donnent l'impression d'exercer une autorité sans partage
(Kamto 1987:110), c'est-à-dire de développer une stratégie de distanciation
en commandant de manière autoritaire, en fuyant les débats et en imposant
leurs décisions à la société, cette impression étant d'autant plus forte qu'elle
a pendant longtemps servi de ferment à l'expansion de la thèse suivant laquelle
la société traditionnelle africaine en général et la société coutumière bamiléké
en particulier constitue une société unanimiste (Vieyra 1965:201).

   Cependant, le fait que ces chefferies donnent l'image des monocraties
autocratiques et unanimistes masque mal les véritables mécanismes de leur
fonctionnement. Car ce qui dans les traditions socio-culturelles et politiques
ici apparaît souvent à l'observateur mal informé comme l'acceptation absolue
et inconditionnelle de l'autorité des chefs et comme une congruence parfaite
entre les membres de la société n'est jamais si absolu ni totalement harmonieux
(Kamto citant Beseat 1987:110).

   Certes, de part le caractère sacré et mystique de leurs pouvoirs les *fô*[1]
bamiléké sont vénérés et adulés presque comme un Dieu et se trouvent dotés
des attributs tentaculaires en cumulant tous les pouvoirs temporels et religieux.
Mais ceci ne saurait amener à assimiler les communautés dont ils assurent la
direction ni à des monarchies absolues ni à des sociétés unanimistes, dans la
mesure où les populations ici sont loin d'apparaître comme des sujets
constamment dociles et appelés à se soumettre aveuglement aux oukases
d'une autorité mystérieuse, lointaine et omnipotente. Car non seulement leurs
rois ne peuvent sereinement exercer leurs pouvoirs qu'en tenant compte de
leurs points de vue ou de ceux de certains segments du corps social, mais

également toutes les décisions engageant la vie de la communauté ne reçoivent jamais une adhésion inconditionnelle de tous, ce qui engendre une recherche permanente du consensus, surtout à travers une systématisation des débats qui comporte aussi bien une dimension horizontale (c'est-à-dire au sein des différentes confréries que comportent les instances dirigeantes) qu'une dimension verticale (c'est-à-dire entre gouvernants et gouvernés).

Ceci invite à passer d'une science de la carte postale se limitant aux évidences aveuglantes à une science réflexive se fiant au raisonnement qui démasque le caché, l'invisible, les causes structurales inaccessibles au sens commun (Sindjoun 1994:14). Il paraît dans cette perspective plus judicieux de troquer les concepts de « monarchie autocratique » et de « société unanimiste » contre celui de « société consensuelle » ou de société « à forte propension au consensus », qui semble plus pertinent et respectueux de la réalité (Kamto 1987:147), tant il est vrai que le dialogue et la concertation constituent ici les principaux piliers sur lesquels repose toute action politique. A travers des consultations périodiques sous forme de discussions à petite ou à grande échelle, l'assentiment et l'adhésion de la plus grande fraction de la population sont en effet constamment recherchés. La délibération dans l'espace public s'érigeant dans ces conditions en une véritable exigence fonctionnelle du système politique, chaque détenteur du pouvoir coutumier où chaque personne concourrant à son exercice se trouve dans l'obligation de s'y référer ou de s'y soumettre.

Toutes ces réalités conduisent à l'articulation de la problématique de cette étude autour des principales questions suivantes : peut-on valablement envisager la délibération dans l'espace public comme une institution dans le cadre des sociétés que d'aucuns ont qualifié d'unanimistes et au sein desquelles les chefs semblent exercer un pouvoir solitaire et sans bornes ? Comment se consolide, à travers les âges, une tradition de délibération dans l'espace public au sein des chefferies bamiléké? Comment se réalise la connexion entre la tradition et la modernité au niveau de la délibération sur l'espace public dans les sociétés coutumières ?

De la réponse à ce questionnement se dégage l'idée centrale suivant laquelle loin de relever de l'univers de la contingence, la délibération dans l'espace public se trouve profondément enracinée dans la culture des chefferies bamiléké et semble même faire partie des traits essentiels de cette culture. Car non seulement elle apparaît comme un véritable socle sur lequel repose toutes les décisions politiques, mais également elle connaît au fil du temps de perpétuelles métamorphoses marquées par une harmonieuse combinaison des acquis de la tradition et des exigences de la modernité, ceci lui permettant de faire face aux diverses forces environnementales qui tendent à amollir sa vigueur. D'où le compromis entre le « jamais vu » et le « toujours ainsi »,

compromis fondateur d'une hypothèse de la continuité dynamique (les délibérations dans l'espace public au sein des chefferies bamiléké tout en étant constantes varient en fonction des conjonctures) ou de la discontinuité relative (les variations conjoncturelles des délibérations dans l'espace public au sein des chefferies bamiléké ne marquent pas une césure radicale).[2]

Il importe donc d'accorder une attention particulière aux trajectoires sociales et historiques par lesquelles la délibération dans l'espace public s'impose comme une véritable institution dans les chefferies bamiléké. Cette entreprise se trouve cependant confrontée à un sérieux problème de clarification conceptuelle car la notion d'« institution » apparaît à bien des égards comme l'un des concepts les plus galvaudés qui soit. Largement utilisée par la plupart des sciences sociales, elle semble en effet avoir perdu en compréhension ce qu'elle a gagné en extension, comme le relève J. Chevallier (1996:13). Devenue fuyante et insaisissable selon les termes de cet auteur, polysémique, équivoque et problématique pour R. Lourau (1970:143), sa signification renvoie à des réalités très hétérogènes.

C'est ainsi que pendant que A. Giddens (1987:66) par exemple la conçoit comme des « pratiques qui ont la plus grande expansion spatio-temporelle dans [les] totalités sociétales », J. Rojot (2003:407-430) l'appréhende essentiellement comme des faits qui s'imposent et doivent perpétuellement être pris en compte par les acteurs socio-politiques. J. Chevallier (1996:17) quant à lui la perçoit surtout comme « l'ensemble des faits sociaux qui, s'inscrivant dans la durée, ont l'apparence d'une réalité « objective », « naturelle », et sont vécus comme tels par les individus ».

Mais en dépit de leurs divergences, toutes ces approches semblent reposer sur deux éléments-clés qui leur servent de dénominateur commun, à savoir, le profond enracinement dans le corps social et la permanence dans le temps. Elles sont toutes sous-tendues par le fait que dotées d'une consistance propre, c'est-à-dire détachées des volontés qui les ont fait naître et installées dans la durée, les institutions exercent constamment une emprise sur les membres de la société en modelant fréquemment leurs pensées et leurs comportements (Chevallier 1996:17). C'est pour cette raison que même si les procédures de prise de décision occuperont une place importante dans cette étude, l'accent sera surtout mis sur le processus par lequel la délibération dans l'espace public acquiert une dimension institutionnelle.

Cette posture permet en effet de disposer de solides balises d'analyse pour inscrire l'examen des délibérations dans l'espace public au sein des chefferies bamiléké dans l'itinéraire d'une dynamique d'institutionnalisation, le concept d'institutionnalisation renvoyant au cheminement par lequel des processus sociaux en viennent à prendre le statut de règle dans la pensée et dans l'action sociale (Rojot 2003:407).

Il convient cependant de mettre l'accent, non pas sur le « vieil institutionnalisme » (Chevallier 1996:17) ou sur « l'archéo-institutionnalisme » (Quantin 2005:13), mais plutôt sur le néo-institutionnalisme. Développé en réaction contre les perspectives behavioristes qui furent influentes dans les années soixante et soixante-dix, ce cadre théorique est loin de constituer un courant de pensée unifié, dans la mesure où il a donné lieu à plusieurs modes de déclinaison qui ont conduit certains auteurs à parler de trois néo-institutionnalismes à savoir, le néo- institutionnalisme historique, le néo-institutionnalisme sociologique et le néo- institutionnalisme du choix rationnel (Hall et Taylor 1997). La combinaison de ces trois tendances permet de disposer d'une grille d'analyse permettant d'associer interprétation structurelle et stratégies d'acteurs, définition contextuelle des politiques et des choix des agents et cadres de prédéfinition de leurs comportements. Elle autorise l'inscription de l'analyse ici dans la logique de la « convergence structurelle », en mettant en valeur l'articulation du temps long des structures et du temps court des conjonctures (Quantin 2005:11-20).

C'est pour cette raison que même si c'est le néo- institutionnalisme historique qui servira de principal socle théorique à cette étude en ce sens qu'il permettra d'observer les trajectoires par lesquelles l'instinct délibératif se fossilise dans l'espace public au sein des chefferies bamiléké, chacune des deux autres tendances sera également sollicitée. Le néo-institutionnalisme sociologique sera par exemple opératoire dans l'observation de l'apport de la variable culturelle dans la sédimentation des pratiques délibératives dans l'espace public de ces sociétés et surtout dans l'examen des mécanismes par lesquelles ces pratiques s'adaptent aux exigences de la modernité. Quant au néo- institutionnalisme du choix rationnel, il sera surtout mobilisé dans le cadre de l'analyse des aspects de la délibération dans l'espace public qui s'inscrivent dans le sillage des comportements instrumentaux mettant à nu l'instinct calculateur des acteurs. Il s'agira, à travers le recours à cette grille de lecture, de voir en quoi la systématisation des délibérations dans l'espace public au sein des sociétés coutumières de l'Ouest-Cameroun peut être considérée comme un moyen d'assurer l'efficacité de l'action socio-politique.

La mobilisation de toutes ces variances du néo-institutionnalisme permet en définitive de constater que la délibération dans l'espace public ici est une entité qui s'est d'abord progressivement enracinée dans le champ socio-politique local, et a par la suite connu de profondes transformations lui permettant de s'adapter aux perpétuelles mutations de son environnement socio-culturel et politico-économique.

Les dynamiques d'enracinement de la délibération dans l'espace public au sein des chefferies bamiléké

Si la délibération dans l'espace public constitue l'une des principales valeurs qui influencent et orientent fréquemment les comportements des populations des chefferies bamiléké, l'acquisition de ce statut n'a pas été naturelle et automatique. Au contraire, elle a suivi un cheminement historique et social marqué par une progressive sédimentation des pratiques qui se sont finalement hissées au rang des composantes essentielles de la culture locale et se sont imposées comme repères pour une importante partie du corps social à travers plusieurs générations. L'on a assisté dans le sillage de cette dynamique à un double mouvement de cristallisation de la pratique délibérative dans la vie socio-politique et de renforcement de son ancrage social par le recours aux forces surnaturelles.

La routinisation de la pratique délibérative dans la vie socio-politique

Envisager la routinisation de la pratique délibérative dans la vie socio-politique des chefferies bamiléké de l'Ouest-Cameroun, c'est mettre l'accent sur les manières de faire et d'agir ayant débouché sur la cristallisation de la délibération sur l'espace public comme un élément structurant par excellence de ces sociétés, caractérisé par sa permanence et par l'emprise qu'elle exerce sur les acteurs. Ceci exige qu'une attention particulière soit accordée aux habitudes et aux accoutumances qui, à force de se reproduire, ont fini par s'ériger en norme de comportement, même si cette norme a connu au fil du temps un certain nombre de transformations lui permettant de s'adapter aux mutations de son environnement. A cet égard, force est de constater d'une part que la palabre a historiquement été érigée en mode privilégié de prise de décision dans l'espace public global de chaque chefferie, et d'autre part que les pratiques délibératives ont constamment ponctué les activités qui ont lieu dans les différents espaces publics particuliers des sociétés traditionnelles.

La systématisation historique de la palabre comme technique de prise de décision dans l'espace public global de chaque chefferie

L'espace public global entendu comme espace qui, au contraire des espaces publics sectoriels ou des espaces publics particuliers est ouvert à tous (Habermas 1997:13-14), a pendant longtemps figuré parmi les cadres privilégiés des délibérations dans les chefferies bamiléké. Apparaissant comme une agora, il était le lieu d'exercice d'une véritable « démocratie délibérative ».[3] La démocratie dans les sociétés traditionnelles africaines et plus particulièrement dans les chefferies bamiléké se caractérisait en effet surtout par le fait qu'elle faisait des décisions politiques le résultat d'un débat ouvert à tous les membres d'une communauté.

La palabre quotidienne favorisait dans cette perspective un large débat et donnait à chaque membre de la société l'occasion d'exprimer son point de vue, ce qui permettait d'arriver à une décision qui liait en principe tout le monde. La principale procédure ici consistait, pour les rois, à faire rassembler les populations devant la cour royale ou sur la place du marché lors des débats portant sur les questions jugées importantes pour la vie de la communauté.[4] Ceci permettait aux habitants de chaque village de participer à la marche de la cité à travers la prise de parole publique.

Le recours à cette technologie politique s'inscrivait dans le cadre d'une stratégie par laquelle les autorités coutumières visaient non seulement à obtenir la confiance et l'adhésion massive des populations, mais également à galvaniser le peuple et à susciter son enthousiasme, surtout lorsque les mesures envisagées visaient des expéditions guerrières contre les groupements voisins qui étaient très fréquentes dans cette partie du monde pendant la période précoloniale et qui éprouvaient considérablement le corps social.[5] Il constituait également un système de gestion sociale et politique des conflits qui venaient de temps en temps mettre à mal la cohésion sociale, dans la mesure où il permettait la mise en place d'un espace de débat et de discussion, d'arbitrage et de réconciliation, d'avis et de conseils, de décisions et d'accords après délibérations contradictoires (Kiflé Sélassié Béséat 1980:76). Son institutionnalisation marquait d'une part la reconnaissance du conflit et de la pluralité comme traits structurants de la société, et d'autre part la consécration de la résolution des conflits par la voie de la délibération collective comme principal mécanisme de régulation sociale (Sindjoun 2007:470).

Créditées d'un fort coefficient de neutralité et d'objectivité, les décisions prises dans ces conditions étaient généralement appliquées sans recours à la contrainte ou à la coercition, car même ceux qui ne les partageaient pas se sentaient obligés de les respecter (Ahanhanzo Glélé 1974:178). L'idée de base ici était que « l'autorité est éclairée et sage et on doit s'y soumettre librement et de façon responsable » (Kiflé Sélassié Béséat 1980:77). Le caractère public des procédures permettait en effet aux populations d'apprécier directement les qualités de justice du chef et de s'assurer de la conformité des décisions prises à la coutume ancestrale.

Cette réalité s'apparentait à une véritable « démocratie idéalisée » qui renvoie à un système politique où le peuple peut s'exprimer directement sur tous les sujets, de l'économique au judiciaire en passant par la définition des droits et des valeurs socio-politiques (Mény et Surel 2000:28-29). Elle favorisait l'élaboration d'un consensus qui était loin d'être un consensus dolosif, encore moins un consensus aux couleurs d'unanimisme. C'était plutôt celui qui permettait de marquer l'équilibre entre la majorité et la minorité et ratifiait simultanément la présence du conflit et la médiation des points de vue opposés,

même si la palabre se terminait généralement par un accord, par une réconciliation entre les protagonistes (Sindjoun 2007:475-476).

L'expression « gouvernement du peuple par le peuple et pour le peuple » que de nombreux entrepreneurs politiques ne mettent en relief dans la définition de la démocratie que pour mieux l'ignorer dans la pratique revêt donc ici une dimension tout à fait particulière, dans la mesure où le *dêmos* apparaît à bien des égards comme l'alpha et l'oméga de l'activité politique.

Cette modalité de gouvernement direct se trouvait cependant tempérée par le fait que c'est le chef qui constituait le verbe de la communauté, le grand maître de la communication, des significations et de l'information. Ceci lui permettait à la fois de prendre connaissance des problèmes nouveaux et de dégager les grandes tendances de l'opinion. Il s'agissait donc d'une pratique du pouvoir d'où transparaissaient les éléments d'une démocratie d'essence populaire dont le ressort fondamental était l'échange dialectique entre la base et le sommet (Kamto 1987:115).

L'on se trouvait ici très proche de la cité grecque antique où l'essentiel de la vie politique se déroulait sur l'agora (c'est-à-dire sur la place du marché) et où les citoyens partageaient un engagement commun vis-à-vis de la résolution des problèmes et des choix collectifs à travers un raisonnement public, ce qui contribuait largement à la légitimation des institutions en place, étant donné qu'elles établissaient un cadre favorable à une délibération publique et libre (Habermas, citant Manin 1997:XXV-15).

Cette technologie de gestion de la société se trouvait cependant très coûteuse en temps, dans la mesure où elle laissait à chaque individu membre de l'assistance d'aller jusqu'au bout dans le processus de l'expression de ses sentiments (Kamto 1987:115). La prise d'une décision consensuelle était dans ces conditions appelée à engloutir de nombreuses semaines, voire des mois,[6] suivant les modalités contemporaines de découpage du temps. C'est ce qui explique pourquoi elle n'a pas pu résister à l'érosion du temps. Car la taille de la population devenant de plus en plus grande et les problèmes socio-politiques à résoudre devenant de plus en plus complexes et nécessitant des compétences de plus en plus spécialisées, il devient au fil du temps progressivement fastidieux et impossible d'associer directement l'ensemble du corps social au processus de la prise de décision.

Les symboles et les pratiques rituelles qui tendaient à faire des délibérations sur la place publique une dimension importante de la culture bamiléké ne sont certes plus très fréquents. Mais il n'est pas rare de nos jours que les populations de telle ou telle chefferie soient invitées à prendre part à des cérémonies s'apparentant à de véritables délibérations sur la place des fêtes du village, même si tout le monde ne parvient manifestement pas à prendre la parole ici. Qu'à cela ne tienne, l'on assiste à l'entretien d'une constante pratique délibérative dans des espaces publics particuliers.

L'entretien d'une constante tradition de délibération dans les espaces publics particuliers

Contrairement à l'espace public global qui est en principe ouvert à tous, les espaces publics particuliers sont des cadres de discussions et de débats qui n'admettent en leur sein que des personnes remplissant un certain nombre de conditions. Il s'agit plus précisément des réunions et des rencontres qui n'accueillent que des membres d'un groupe et des personnes invitées à prendre part à ses activités. Ce sont en dernière analyse des cercles dont les membres se regroupent sur la base des affinités spécifiques.

En dépit des différences qui existent dans la nature et dans l'étendue de leurs membres, ces cercles incarnent une aspiration à la discussion permanente entre des personnes privées sur l'espace public. Ce sont des milieux dans lesquels on se tourne généralement, au cours des débats, de l'intérieur vers l'extérieur (Habermas 1997:47-48). Les questions au centre des échanges en leur sein ont ainsi le plus souvent une portée générale, en raison de leur importance dans la vie de la chefferie à laquelle appartient le cercle.

Les chefferies bamiléké contiennent une extrême variété de pareils cercles,[7] qui constituent autant d'arènes particulières de délibération. Il s'agit notamment des associations des habitants de chaque quartier, des groupes de danse traditionnelle, et surtout des sociétés sécrètes dénommées « *nkem* ». Comme le relève Bernard Maillard (1985:44-45), la chefferie Bandjoun par exemple en compte jusqu'à dix-neuf et chaque sociétaire, selon son appartenance à une ou à plusieurs confréries, se retrouve au moins une fois tous les huit jours au sein du palais royal pour débattre et prendre des décisions relatives aussi bien au fonctionnement de la société sécrète qu'à la marche du village.

Tableau 1 : Calendrier hebdomadaire des délibérations dans l'espace public particulier des différentes sociétés sécrètes de la chefferie de Bandjoun (pays bamiléké)

Jours de la semaine	Sociétés sécrètes
Dze dze	Zie, Kam kwo, Pferibu
Ntamdze	Kom pu cye ou Kom msu, Me sop, Nye lang, Me gwe nye, Tye gop
Sesu	Muemjung ngkwo ntsa ou Kem sesu ou encore Muemjung sesu, Mekè sesu
Gosue	Zie, Kuen tang, Tsu nye lang
Dzemto	Pan gwop, Be jie, Mekè dzemto
Ntamgo	Muemkam, Mekè ntamgo
Tyepfo	Kem jie, Muela
Syenku	Kwo si sie, Kom kwo si, Tye gop (pour la seconde fois)

Source : Maillard, B : Pouvoir et religion : les structures socio-religieuses de la chefferie de Banjoun (Cameroun), Ed. Peter Lang, Bern, 1985, p.45.

Les membres du « *Nkamvu* » (groupe des neuf notables) et du « *kungang* » quant à eux peuvent se réunir très rapidement à tout moment, à la demande du chef, étant donné qu'ils jouent un rôle central dans la vie socio-politique de la chefferie. L'exploration de la « prise de décision » ou de la « résolution des problèmes »[8] en leur sein révèle qu'elle a pendant longtemps été dominée par une constante recherche du consensus, et ce malgré la variété des sujets à traiter. Lors de leurs réunions qui étaient généralement placées sous la présidence du chef supérieur en effet, ce dernier dévoilait le sujet à débattre et tous ceux qui le souhaitaient pouvaient à tour de rôle intervenir.

Cependant, si les questions de moindre importance étaient dans la plupart des cas réglées sans difficulté particulière, les problèmes complexes étaient âprement débattus. De manière générale, le chef assistait aux débats en silence, son rôle consistant surtout à évaluer tous les points de vue, à peser les avis pour essayer d'en dégager l'opinion majoritaire ou le consensus. Certes, il arrivait de temps en temps qu'un roi cherche à faire prévaloir sa propre perception de la réalité. Mais si la majorité des participants était contre son opinion, il était tenu de s'incliner et de se soumettre à leur verdict, sous peine de s'attirer les foudres de ceux des puissants magiciens qui gardent son totem en brousse et qui peuvent en cas de désaccord avec lui sur un point crucial de la vie sociale ne plus assurer la garde de ce totem, ce qui l'expose aux dangers de tous ordres.[9]

D'où la nécessité pour lui, soit de laisser libre cours aux débats qui pouvaient durer plusieurs jours au cas où une majorité forte ne se dégageait pas rapidement (Ayittey 1990:43), soit d'essayer d'harmoniser les diverses positions en présence en recourant à la technique de la médiation qui permettait de rapprocher les points de vue opposés ou alors à celle du lobbying qui consistait, par le jeu des concessions, à s'assurer de la confiance et de l'adhésion de la majorité des parties prenantes au débat (Nguekeu Dongmo 1996:110).

Le consensus qui se dégageait généralement lors des délibérations s'expliquait essentiellement par le fait qu'au cours des discussions, certains de ceux qui étaient hostiles à la décision envisagée se ralliaient à l'opinion dominante, tandis que d'autres se contentaient de garder le silence ou de s'abstenir, ce qui impliquait l'existence d'une majorité et d'une minorité d'opposition.[10] L'essentiel au cours des débats était en effet la sauvegarde de l'intérêt communautaire à travers la réduction, par des concessions, des réticences égoïstes de ceux qui s'estimaient lésés par la décision consensuelle (Nguekeu Dongmo 1996:110).

Mais ce mode de prise de décision dans les espaces publics particuliers au sein des chefferies bamiléké a beaucoup évolué dans le temps. Car non seulement les dissensions entre les membres des sociétés secrètes lors des

délibérations se sont avérées de plus en plus profondes, mais également les débats sont de plus en plus enflammés et les positions de certains sont le plus souvent extrémistes et inconciliables. C'est ainsi par exemple qu'après le décès de M. Joseph Ngnié Kamga, chef supérieur des Bandjoun survenu le 6 décembre 2003, les divergences de points de vue entre les « *nkamvu* » (neuf notables) lors de la délibération en vue de la désignation de son successeur étaient si marquées que la double cérémonie des obsèques du défunt chef et « d'arrestation » publique du nouveau roi initialement prévue le 20 décembre 2003 n'a pas pu avoir lieu, et ce en dépit de la présence sur la place des fêtes du village de nombreuses personnalités de la République du Cameroun venues vivre l'événement en direct (Tchoupie 2006).

La principale explication de ce phénomène qui tend à devenir récurent dans de nombreuses sociétés traditionnelles du Cameroun de l'Ouest réside dans le fait que la plupart des individus qui succèdent aujourd'hui aux défunts notables ont grandi dans les grands centres urbains et même parfois hors du pays. Ils sont certes pétris de connaissances occidentales, mais ils ignorent le plus souvent tout de la culture traditionnelle, ce qui creuse un fossé considérable entre eux et ceux qui maîtrisent encore les normes et les pratiques bamiléké.

L'on assiste ainsi de plus en plus à un durcissement particulier des débats pendant les délibérations, et le principe du consensus lors de la prise de décision cède progressivement la place à celui de la majorité, et plus précisément à celui de la majorité relative.

Mais loin d'être un signe de l'entrée en disgrâce de la délibération, ces mutations apparaissent plutôt comme un vecteur de sa consolidation, étant donné qu'elles permettent d'adapter le processus décisionnel à la complexité toujours croissante des problèmes à résoudre et à l'hétérogénéité des trajectoires sociales des acteurs qui composent de nos jours les structures politiques traditionnelles. D'ailleurs, l'ancrage social de la délibération dans l'espace public ici se trouve solidifié par un fréquent recours aux forces surnaturelles.

La solidification de l'ancrage social de la délibération dans l'espace public par le recours aux forces surnaturelles

La délibération sur l'espace public constituant l'une des principales dimensions de la culture bamiléké, son enracinement dans les mœurs socio-politiques de la région est le plus souvent assuré par le recours aux pratiques magico-religiesuses. C'est ainsi par exemple que lorsqu'une chefferie fait face à des calamités telles que la famine, la sécheresse et l'épidémie, les délibérations par lesquelles les sociétés sécrètes compétentes, et plus particulièrement le

groupe des neuf notables et les « *nkungang* », tentent de les juguler prennent généralement les allures de pratiques mystiques, appuyées par l'invocation des dieux et des ancêtres.

De même, lorsque les responsables de la justice n'arrivent pas à éclairer une situation judiciaire confuse et ne peuvent se prononcer sur les responsabilités des parties en cause, il est généralement organisé une cérémonie publique au cours de laquelle en plus des débats contradictoires entre les principaux protagonistes, les forces surnaturelles sont convoquées dans la recherche de la vérité. Les autorités traditionnelles recourent habituellement à cet effet à une diversité de rites, parmi lesquelles les plus pratiquées sont le jugement par l'intermédiation de la tortue dans un lieu sacré de la chefferie et le « gwo » (ou l'ordalie) (Maillard 1985:75). Les différentes parties en cause ici, accompagnées de leurs parents et amis se retrouvent au cours d'une journée fixée à l'avance au pied d'un arbre sacré. Invités à se justifier, l'accusé et l'accusateur se présentent devant le « cwèp » (lieu sacré), soit avec une calebasse neuve remplie d'eau fraîche, soit avec une feuille de taro. Chacun clame haut la véracité de ses propos et prend les dieux et les ancêtres à témoin. Et pour conclure brillamment son argumentation, il jette violemment à terre la calebasse ou la feuille de taro. Une fois l'ordalie accomplie le jugement définitif revient à dieu et aux ancêtres, de sorte que le premier à mourir sera considéré comme le coupable parce qu'il aura témoigné faussement devant les forces surnaturelles. Tromper la divinité, c'est en effet appeler sur soi le châtiment suprême qui est la mort, celle-ci survenant généralement dans un délai de sept jours ou de sept semaines (Maillard 1985:188-189). Le recours à ce rite marque donc la reconnaissance des dieux et des ancêtres comme juges suprêmes.

Le renforcement de la délibération sur l'espace public par le recours aux pratiques magico-religieuses s'explique grosso modo par le fait que l'univers bamiléké, tout comme d'ailleurs celui de nombreuses autres sociétés traditionnelles africaines, apparaît surtout comme un univers des forces en mouvement commandées par la parole. Si les européens par exemple perçoivent en effet l'univers comme une entité pouvant se donner à l'Homme comme un objet de connaissance rationnel et scientifique, tel n'est nullement le cas en ce qui concerne de nombreux bamiléké et plusieurs autres peuples d'Afrique noire, pour qui il existe une étroite connexion entre l'univers humain et le monde métaphysique, à telle enseigne que « la vitalité humaine correspond à la vitalité de la nature » (Ayittey 1990:53). Le cosmos apparaît dans cette perspective comme un univers où tout est lié -la vie, les dieux, les Hommes, la société- et dont les éléments sont mus par une même force : la force vitale qui unit les membres de la société humaine aux dieux, mais aussi aux morts.

C'est pour cela que l'on admet ici que les morts sont présents parmi les vivants, qu'un monde invisible double le monde visible (Kamto 1987:71), et surtout que l'univers humain ne constitue qu'un prolongement du monde surnaturel.

Il devient dans ces conditions indispensable d'entretenir une constante harmonie entre la société humaine et les composantes de l'univers métaphysique, étant donné que les morts et les forces cosmiques continuent de participer à la régulation du monde, et que « la responsabilité du roi ne se limiterait pas pour les « sujets » au monde des humains, mais s'étendrait au monde de la nature » (Perrot 2003:20). L'exercice du pouvoir s'insérant ainsi dans un environnement culturel où chaque être (vivant ou mort) et chaque chose, même la plus humble joue un rôle et où le hasard n'a point de place (Kamto 1987:71), il devient impossible de ne pas associer les forces transcendantales au processus de la délibération sur l'espace public, surtout lorsque les points à l'ordre du jour portent sur des questions aussi délicates que la recherche de l'auteur d'un acte répréhensible et l'établissement de la justice.

L'implication des forces occultes, des divinités et/ou des ancêtres dans le processus de la délibération sur l'espace public ici apparaît comme un choix stratégique tendant à la maintenir comme l'un des principaux éléments du paysage institutionnel des sociétés traditionnelles bamiléké, dans la mesure où elle constitue un important gage de l'objectivité et de la légitimé de la décision finale. Parce qu'elle se présente comme une véritable symbiose entre le monde des vivants et l'univers cosmique, cette décision est entourée d'une auréole de sacralité et de transcendance, ce qui rend particulièrement difficile le refus de son respect. Car l'Homme bamiléké, à l'instar de nombreux autres individus dans la société traditionnelle africaine, n'étant qu'un élément de l'ensemble ou une pièce du tout (Kamto 1987:155), l'acte de ceux qui tiennent les rênes du pouvoir ne sera accepté sans réticence que si sa conception associe harmonieusement des éléments provenant à la fois du monde physique et de l'univers métaphysique.

La délibération sur l'espace public devient dans ces conditions une manifestation de la culture des sociétés traditionnelles bamiléké de l'Ouest-Cameroun. Elle se trouve profondément enracinée dans la tradition et est inscrite dans la durée. Elle ne saurait par conséquent être balayée par la poussée de la modernité. Elle connaît plutôt de perpétuelles transformations lui permettant de faire face à l'instabilité de son environnement.

**Transformation de l'environnement des chefferies bamiléké,
reconfiguration des acteurs sur l'arène socio-politique et
réadaptation de la délibération sur l'espace public**

L'environnement socio-culturel et politico-économique des chefferies bamiléké connaît de profondes mutations, marquées entre autres non seulement par l'émergence des Etats modernes qui viennent se greffer au-dessus des sociétés traditionnelles, mais également par l'avènement de l'école qui véhicule la civilisation occidentale et par le développement des villes qui engendre l'émigration d'une importante franche de la population. La tendance est grande dans cette perspective de penser que la délibération dans l'espace public en tant que l'un des principaux traits caractéristiques de la culture bamiléké sera anéantie par les forces modernisantes, cette tendance étant d'autant plus forte que certains auteurs appréhendent la tradition et la modernité de manière essentiellement dichotomique et soutiennent que la seconde entité ne peut se réaliser que si la première est complètement détruite et jetée dans la poubelle de l'histoire (Lloyd et Hoeber 1967:3). Mais l'on assiste dans la pratique plutôt à la réadaptation de la délibération dans l'espace public aux transformations de l'environnement des sociétés coutumières. Ceci se manifeste aussi bien par l'acceptation de l'interférence des autorités étatiques dans certaines pratiques délibératives en leur sein que par la délocalisation des sites des débats.

**L'acceptation de l'implication des autorités étatiques dans
certaines délibérations comme stratégie de préservation de la
pratique délibérative face à l'avènement de l'Etat moderne**

Si les chefferies traditionnelles bamiléké, tout comme d'ailleurs les autres sociétés coutumières africaines, se sont pendant longtemps présentées comme des entités ne disposant d'aucune autorité administrative et politique centrale au dessus d'elles (Mbonda 2006:52) et apparaissant de ce fait comme de véritables « sociétés à Etat » (Lombard 1967:49-54), la situation est loin d'être encore la même depuis le début de l'ère coloniale. Car l'on a assisté à leur insertion dans les rouages de l'administration coloniale allemande et française, puis de l'Etat Camerounais, avec pour principal corollaire la création au dessus des « fô » d'un autre échelon d'allégeance. Les rois qui étaient situés au sommet de la hiérarchie sociale et politique deviennent ainsi de simples échelons inférieurs appelés à obéir aux ordres des instances supérieures (Fogui 1990:173). C'est dans cette perspective que, soucieux de ne pas laisser se développer à la périphérie des structures politiques échappant à son contrôle, le pouvoir central camerounais est amené à exercer un droit de regard sur le fonctionnement des différentes entités infra étatiques qui existent sur le

territoire national. A cet effet, il est le plus souvent appelé à s'impliquer dans les activités des chefferies traditionnelles, et particulièrement dans la plupart des délibérations qui ponctuent de temps en temps leurs espaces publics.

Etant donné que toute résistante à l' « étatisation » des sociétés locales fut violemment réprimée par la puissance colonisatrice comme ce fut tour à tour le cas avec l'insurrection des Bakweri en 1891 qui déboucha en 1894 sur l'expropriation des « indigènes » de leurs terres et avec l'insoumission de la région Bangwa entre 1889 et 1909 qui entraîna la désarticulation du pouvoir traditionnel à travers la déposition du chef Asunganyi et la division de son « pays » en deux entités distinctes (Fota I et Djuti) (Sindjoun 2002:257-258), l'instinct calculateur des acteurs socio-politiques de la plupart des chefferies bamiléké les poussera à adopter l'acceptation de l'immixtion des autorités étatiques dans la délibération dans leurs espaces publiques comme principale stratégie de sa préservation.

Cette acceptation se manifeste par exemple au niveau de la désignation des nouveaux chefs traditionnels. C'est le préfet du département de la Menoua qui a ainsi organisé le 12 septembre 2005 les discussions qui ont débouché sur le choix de M. Djoumessi III Wamba Mathias comme chef du groupement Foréké-Dschang en remplacement de M. Nkenglifack Marius destitué par le premier ministre.[11] Suivant la même logique, non seulement le préfet du Khoung-Khi a organisé à Bandjoun les assises en vue de la désignation du successeur de M. Joseph Ngnie Kamga décédé le 6 décembre 2003, il a également joué un rôle prépondérant dans le rapprochement des positions diamétralement opposées des neuf notables. Pendant que certains de ces notables étaient en effet favorables au strict respect du testament par lequel le défunt chef désignait le jeune Joseph Ngnié Kamga âgé de 17 ans et étudiant en Belgique comme son successeur, d'autres l'avaient énergiquement combattu, au motif que c'est en violation des règles coutumières que M. Joseph Ngnie Kamga avait accédé au trône en 1984,[12] l'extrémisme des positions étant allé jusqu'à déboucher sur le décalage de la date du choix du nouveau chef du 20 décembre 2003 au 24 janvier 2004.

L'acceptation de l'immixtion des autorités étatiques dans les délibérations sur l'espace public au sein des chefferies bamiléké s'observe également au niveau de la recherche des solutions aux divers conflits qui traversent de temps en temps ces chefferies. L'une des principales missions de l'Etat étant le maintien de la stabilité sociale, les dirigeants camerounais sont appelés à s'impliquer dans le processus de gestion des litiges susceptibles de mettre en péril la cohésion de ces sociétés. Cette implication tend à éviter que la persistance ou l'aggravation de ces antagonismes ne débouche sur la remise en cause du système de domination politique existant. Il s'agit donc, pour les

responsables étatiques, de contenir les tensions au niveau des chefferies dans les limites supportables pour assurer le maintien de l'ordre socio-politique ambiant.

Des rencontres au cours desquelles les responsables étatiques se joignent aux autorités traditionnelles pour essayer de trouver des solutions aux conflits qui émergent le plus souvent dans les chefferies bamiléké sont dans cette perspective fréquemment organisées, étant donné que ces conflits engagent des enjeux importants par rapport à l'équilibre socio-politique et à la paix locale.

La participation du préfet de la Mifi et du sous-préfet de l'arrondissement de Bangou aux diverses délibérations qui ont eu lieu sur la place du marché de la chefferie Bandenkop lors de la crise engendrée dans cette communauté par le refus du chef légal (M. Wouagné Michel) de rétrocéder le trône au chef légitime (M. Fézeu Ngandjong Marcel) après son retour de l'exil en décembre 1983 est particulièrement significative à cet égard. Car elle a permis de contenir les pulsions belliqueuses des camps rivaux jusqu'aux consultations qui ont permis aux neuf notables de porter à nouveau M. Fézeu Ngandjong Marcel à la tête du village le 13 août 1988.[13]

Les autorités administratives contribuent donc, à travers leur implication dans la gestion des conflits dans les sociétés traditionnelles, à rendre les délibérations portant sur ces conflits efficaces, étant donné que non seulement elles amènent le plus souvent les protagonistes à faire des concessions importantes, mais également elles disposent des moyens nécessaires pour faire respecter les diverses résolutions adoptées.

La gestion des tensions entre plusieurs chefferies constitue également un site privilégié d'observation de la participation des responsables administratifs aux délibérations publiques portant sur la recherche de solutions aux conflits qui traversent épisodiquement les sociétés coutumières bamiléké. En effet, face au problème foncier engendré par l'extension du périmètre urbain de Mbouda par exemple, des réunions regroupant à la fois tous les cinq chefs traditionnels de la ville accompagnés de leurs notables et des responsables étatiques de la localité se sont fréquemment tenues (Kayo Sikombe 2005:169). Le chef traditionnel le plus à l'aise au cours de ces assises est un professeur des lycées qui entretient des relations privilégiées avec les agents publics et dont les assujettis exercent de hautes fonctions politiques et administratives au niveau national. Ce réseau relationnel lui assure une marge de manœuvre considérable par rapport à ses pairs et lui permet de maîtriser dans une large mesure le processus décisionnel. Le même phénomène s'observe à Bafoussam où de puissants réseaux constitués par les élites intérieures et extérieures soutiennent généralement le chef pendant les négociations avec les autres parties prenantes au jeu autour des questions foncières dans la ville (Kayo Sikombe 2005:170-171).

Dans un univers soumis plus qu'hier à une approche concertée des problèmes publics, les autorités traditionnelles se trouvent ainsi obligées de s'entourer de solides réseaux pour accroître l'efficacité de leurs actions. Les individus et les groupes qui composent ces réseaux ont en effet la capacité de solliciter et d'obtenir non seulement le soutien des instances supérieures de l'Etat, mais également l'expertise nécessaire pour peser sur la conduite des négociations.

Pour parler comme Olivier Nay (2002:63), on peut dire que les réunions de gestion des urgences dans les chefferies bamiléké apparaissent comme des lieux où des équipes en concurrence entrent directement en contact et s'engagent dans des jeux de rivalité, d'arbitrage et d'arrangement pour tenter d'orienter les décisions publiques adoptées lors des délibérations sur l'espace public. Leur fonctionnement est donc révélateur des stratégies que les autorités traditionnelles mettent en œuvre pour essayer de faire face aux perpétuelles mutations de l'environnement socio-politique dans lequel elles évoluent.

Toutefois, si ces réunions sont d'abord des espaces de conflictualité, elles sont aussi et surtout des cadres de communication où s'échangent des informations, des points de vue, des analyses et des problématiques qui, loin d'être seulement des armes pour s'affronter dans les luttes politiques, sont également des outils de réflexion, des cadres cognitifs, des schèmes d'évaluation qui vont permettre une harmonisation progressive des représentations du problème en cours de résolution (Eymeri 2002:164). C'est ce qui explique qu'elles débouchent le plus souvent sur un compromis, même si ce compromis est généralement fragile et précaire.

La gestion du conflit frontalier entre les chefferies Fongo-Tongo (en pays bamiléké) et M'mockmbin (dans l'arrondissement d'Alou, province du Sud-Ouest) est très significative à cet égard. Les différentes réunions qui suivent dans la plupart des cas le déclenchement des affrontements physiques entre les deux communautés mettent en scène non seulement des autorités traditionnelles telles que les chefs des deux groupements, certains notables et les chefs de quartier des zones disputées, mais également les sous-préfets de Dschang et d'Alou et/ou leurs adjoints, des agents des services des domaines, des représentants des cadastres et des forces de maintien de l'ordre.[14] Et en dépit du remarquable cloisonnement des intérêts en présence du fait de l'extrême diversité des milieux et des services de filiation de leurs membres, ces réunions procèdent généralement à une tentative de rapprochement des positions des différents protagonistes qui débouche sur un certain « refoulement des pulsions » (Elias 1991:241), ce qui permet de maintenir un précaire « équilibre de tensions » sur le terrain.

Quoique la participation des responsables étatiques à certaines assises des chefferies bamiléké engendre une réelle complexification de leurs processus délibératifs, elle semble donc apporter aux diverses parties prenantes au jeu socio-politique local un minimum de satisfaction. Car en même temps qu'elle permet à l'Etat de préserver ses « chances de puissance » (Elias 1991:20), elle contribue au maintien de la stabilité et de l'harmonie dans le milieu traditionnel en concourant à la mise en concordance des positions parfois diamétralement opposées et extrémistes. Loin d'être une source de l'entropie, elle apparaît ainsi plutôt comme un facteur de la pérennisation de la délibération dans l'espace public au sein des sociétés traditionnelles. Elle contribue remarquablement à son auto renforcement et surtout à son maintien comme l'une des principales marques de la culture locale. Cette réalité se trouve renforcée par la délocalisation des sites de la délibération sur l'espace public du fait de l'émigration massive du peuple bamiléké.

La délocalisation des sites de la délibération sur l'espace public comme réponse à l'émigration massive du peuple bamiléké

L'exigence d'appropriation de ce que J. C. Warnier (1993:192) qualifie à la suite de J. F. Bayart de « ressources de l'extraversion » ayant amené de nombreux ressortissants de l'Ouest-Cameroun à quitter la région pour s'éparpiller dans le pays et même à travers le monde tout en maintenant de solides attaches avec leurs terroirs d'origine (Tchoupie 2005:102-106 ; Abé 2005:51), l'on assiste ici à une véritable crise du « territorialisme méthodologique »,[15] et il devient de plus en plus absurde de considérer la fixation dans l'espace comme l'unique critère de définition du cadre des délibérations dans l'espace public au sein des chefferies bamiléké. La diaspora de ces chefferies, en revendiquant son attachement affectif à sa localité d'origine, impulse une dynamique politique qui serait rebelle à tout confine-ment territorial des lieux de discussion. Les pratiques délibératives dans ces sociétés se sont en effet étendues non seulement dans les différentes localités d'accueil de leurs émigrants, mais également dans les moyens de communi-cation de masse.

La transformation par les émigrants de leurs localités d'accueil en nouveaux sites de délibération sur l'espace public

Si de nombreux bamiléké ont été pour une raison ou pour une autre amenés à quitter leurs chefferies respectives d'origine pour s'installer dans d'autres contrées du Cameroun et même du monde, ils n'ont pour autant pas abandonné les principales pratiques qui constituent les traits essentiels de leur culture, cette réalité s'expliquant dans une large mesure par le concept de « dépendance au sentier » (path dependence) qui renvoie au fait que les choix opérés dans

le passé continuent d'exercer une remarquable influence sur le comportement ultérieur des acteurs. Les différents villages que comporte le pays bamiléké ayant en effet été toujours structurés par une pléthore d'associations qui épousent tantôt les contours des sociétés sécrètes à connotation magico-religieuse, tantôt ceux des groupes de danse traditionnelle, tantôt ceux des réunions des habitants de tel ou tel quartier, leurs ressortissants vont trans-poser dans leurs diverses localités d'accueil cette pratique associative.

Hors du terroir en effet, les ressortissants de chaque village se regroupent en associations dont le nombre et la taille dépendent dans une large mesure du chiffre de ces ressortissant dans leurs localités d'accueil. C'est ainsi que pendant que certaines agglomérations ne comportent qu'une association regroupant l'ensemble des bamiléké vivant en leur sein, d'autres, à l'instar de Yaoundé et Douala, abritent des « réunions de famille », de quartiers, de classe d'âge, des élites, des épouses des originaires d'un groupement ou d'un quartier de celui-ci, des associations de danse traditionnelle, etc., (Tchoupie 2005:104).

Ces diverses associations, qui tiennent hebdomadairement ou mensuellement leurs assises soit dans un foyer spécialement construit à cet effet, soit dans la résidence de l'un des membres, apparaissent comme des cadres de rencontres et de débats sur des questions inhérentes aussi bien à la survie de leurs membres dans leurs localités d'accueil qu'au groupement d'origine de ces membres.

Les diverses associations des ressortissants de chaque chefferie traditionnelle de l'Ouest-Cameroun se trouvent par ailleurs coiffées par un cadre global de délibération communément appelé « comité villageois de développement »,[16] même si la dénomination concrète de cet organe change parfois d'une communauté à l'autre. Apparaissant dans la pratique comme une véritable superstructure, ce comité se rencontre dans presque toutes les chefferies bamiléké. Il est spécialement chargé de coordonner et de réaliser toutes les opérations jugées nécessaires pour le progrès économique, social et culturel du groupement. Il prolonge la réflexion entamée au niveau des instances inférieures sur les problèmes spécifiques de la chefferie et dégage les stratégies et les moyens de les juguler.

L'analyse de son organigramme révèle qu'il est partout composé d'un organe central dont les membres sont élus et dont le chef supérieur du village est d'office membre d'honneur, et des organes périphériques constitués des divers démembrements du comité et des différentes réunions des ressortissants de la chefferie disséminées dans le pays et même à l'extérieur du territoire national.[17] La périodicité de ses assises varie d'une communauté à l'autre ; mais dans la plupart des cas, les sessions ordinaires sont annuelles ou bi-annuelles, et des réunions extraordinaires peuvent en cas de nécessité être convoquées.

L'épaisseur des débats lors de ses délibérations peut être appréciée à partir de la diversité des problèmes qui y sont traités et du volume d'argent qu'il mobilise pour ses diverses interventions. Ses réalisations couvrent en effet des domaines aussi variés que l'éducation, la santé, les infrastructures routières, l'électrification rurale, l'aménagement des points d'eau potable, la dotation de la chefferie en nouvelles technologies de l'information et de la communication, l'emploi des jeunes, la modernisation des institutions traditionnelles, etc., comme le montre en partie la liste des travaux effectués dans le groupement Bangang (dans le département des Bamboutos) entre 1988 et 1993 par son comité de développement.

Tableau 2 : Liste des réalisations effectuées après délibérations dans l'espace public par le comité de développement de Bangang entre 1988 et 1993

Réalisations	Coût au 15/8/1993	Pourcentage des dépenses
Construction du collège d'enseignement secondaire	8 455 225	43,2%
Construction du complexe tribune	6 047 430	31%
Equipement du dispensaire public	2 073 328	11%
Organisation des semaines de développement	1 140 300	5,82%
Déplacements et transport	696 035	3,55%
Impression des cartes de membres	413 000	2,11%
Interventions diverses	339 800	1,73%
Réception	106 000	0,54%
Autres dépenses	206 265	1,05%
Total	19 564 830	100%

Source : Kuété, M., « La ville paie ses dettes envers la campagne des hautes terres de l'Ouest-Cameroun : transformation des paysages », in Bart, F., Morin, S. et J. N. Salomon (dirs), *Les montagnes tropicales : identités, mutations et développement*, Pessac, 2001, p. 379.

Les diverses réunions au cours desquelles l'on délibère sur ces réalisations sont loin d'être de simples rencontres entres acteurs poursuivant des buts identiques. Ce sont surtout des cadres de négociation et de cloisonnement des idées et des rôles dont on conçoit mal qu'ils ne génèrent des attentes particulières. Les divers enjeux qui se tissent ici font de la prise de décision un processus complexe dans lequel les acteurs modernes jouent un rôle très important, tandis que le poids des acteurs traditionnels devient de plus en plus négligeable (Kayo Sikombé 1989:34). Le caractère démocratique des échanges qui précèdent l'adoption des axes prioritaires d'intervention ici est certes contrasté à cause du fait qu'autant au moins une majorité simple est

généralement requise pour le vote d'un projet, autant ceux dont la contribution à la réalisation dudit projet s'avère déterminante influencent le plus souvent directement ou indirectement le sens et le contenu de la décision finale. Mais ceci ne saurait obscurcir la thèse selon laquelle la démocratie participative dans les comités villageois de développement offre une solution politique alternative, à mi-chemin entre les formes institutionnelles de la démocratie représentative et l'espace public informel et discontinu de débats (Enguéléguélé 2005:148).

Le fonctionnement de ces comités, tout comme d'ailleurs celui de la plupart des autres structures de débats et de prise de décisions dans les chefferies bamiléké contribue ainsi à consolider le processus d'institutionnalisation des délibérations dans l'espace public en leur sein, étant donné que non seulement il tend à rendre obsolète la gestion monopolistique ou non concertée du pouvoir, mais également il inscrit le modèle collégial de prise de décision dans le triple processus de l'extériorisation par laquelle ce phénomène se détache des acteurs qui l'ont fait naître, de l'objectivation par laquelle il acquiert l'apparence d'une réalité objective et de l'intériorisation qui le fait passer dans le domaine des dispositions durables de l'ensemble des agents socio-politiques (Berger et Luckmann 1986:77-175 ; Quantin 2004:26), toutes choses qui caractérisent l'émergence et l'enracinement d'une institution. L'ancrage de la délibération dans l'espace public au sein des chefferies bamiléké s'est d'ailleurs renforcé ces dernières années par l'apport des nouvelles technologies de l'information et de la communication.

L'érection des nouvelles technologies de l'information et de la communication en instruments privilégiés de la délibération dans l'espace public

La dispersion des ressortissants du « pays bamiléké » dans les diverses régions du Cameroun et même du monde a engendré la production d'un espace de la localité qui semble rebelle à tout confinement territorial. En quittant massivement leurs chefferies d'origine tout en gardant de solides attaches avec elles, les émigrants bamiléké ont transformé l'espace de la contrée en un véritable « espace réticulaire » au sens de B. Antheaume, D. Delaynay et M. Portais (1987:3), c'est-à-dire en un cadre spatial où prédominent des réseaux fortement déstructurants pour l'organisation traditionnelle de l'espace et où se multiplient des liens d'interdépendance entre les territoires. Au principe de territorialité se substitut ainsi un autre mode d'articulation des individus et des groupes dans la localité, marqué par la disparition des contraintes d'ordre spatial.

Etant donné que l'ordre des réseaux qui émerge à la suite de cette dynamique transperce et cisaille celui du territoire, l'affaiblit et lui fait perdre cette cohésion et cette exceptionnalité qui fondait sa nature essentiellement politique (Badie 1997:135), les techniques traditionnelles de délibération dans

l'espace public, tout en demeurant opérantes, perdent beaucoup de leur efficacité dans la mesure où les contraintes de tous ordres ne permettent le plus souvent pas à l'ensemble des membres d'une communauté de se regrouper à un endroit précis pour débattre des questions concernant soit leur chefferie d'origine, soit leurs problèmes existentiels. La mobilisation des nouvelles technologies de l'information et de la communication s'est dans ces conditions imposée comme une exigence fonctionnelle du système politique traditionnel.

Certes, ces nouvelles technologies tendraient à accentuer l'inégalité d'accès des individus au débat public du fait des barrières économiques et intellectuelles qui excluent le plus souvent de nombreuses personnes de leur utilisation (Rieffel 2001:33-34). Mais l'on assiste à une progressive technicisation de la délibération sur l'espace public dans les chefferies bamiléké qui débouche sur un élargissement croissant du cercle de ceux qui procèdent de temps en temps à l'utilisation des « machines à communiquer » dans les échanges socio-politiques.

De nombreuses sociétés traditionnelles des hautes terres de l'Ouest-Cameroun ainsi qu'un certain nombre de leurs ressortissants se sont dans cette perspective d'abord dotés de postes de téléphone fixe. Même si l'impact de cette technique de communication sur la pratique délibérative s'est trouvé limité du fait du coût particulièrement élevé de son acquisition et de l'impossibilité de son utilisation hors de la maison ou hors du bureau, ces obstacles ont été surmontés grâce à l'expansion actuelle de la téléphonie mobile. Une forte majorité de personnes intervenant ou susceptible d'intervenir dans le processus de délibération dans l'espace public ici dispose en effet de nos jours de téléphones portables, leurs prix devenant de plus en plus bas et leur utilisation s'étant affranchie des contraintes de lieu, de niveau intellectuel et de langue.

La mobilisation de l'outil téléphonique dans la délibération dans l'espace public ici se renforce de plus en plus par le recours à l'Internet. En plus des villages comme Bandenkop par exemple qui disposent d'une salle Internet en leur sein, les chefferies telles que Bafoussam, Baleng, Bamougoum, Bangangté, Foréké-Dschang et Bafang se trouvent en effet de nos jours fortement urbanisées et voient se proliférer sur leurs territoires des « cybers cafés ». Ceci permet à leurs ressortissants disséminés aussi bien dans le champ socio-politique local que hors de la région de discuter et de débattre des problèmes de leurs chefferies sans nécessairement avoir à se déplacer vers les lieux où sont localisées lesdites chefferies. L'Internet se présentant surtout comme un « média multimodal » selon l'expression de Peter Dahlgren (2000:157-186), c'est-à-dire comme un média offrant la possibilité de communiquer d'un seul vers beaucoup d'autres (one to many), ou d'une

pluralité d'utilisateurs vers une pluralité d'usagers (many to many), il se joint à la téléphonie mobile pour contribuer à la résolution de l'épineux problème de l'éparpillement des différentes parties prenantes au processus décisionnel au sein des chefferies bamiléké dans le pays et dans le monde. Chaque acteur qui, pour une raison ou pour une autre, se trouve éloigné du lieu de la prise d'une décision se trouve en effet désormais à même de présenter son point de vue et de mobiliser les différents arguments dont il dispose pour l'imposer ou pour essayer de l'imposer aux autres. Ceci cadre parfaitement avec l'idée selon laquelle les nouvelles technologies de la communication en général et le couple téléphonie-Internet en particulier sont venues modifier profondément les règles de fonctionnement des sociétés et des territoires dans le monde contemporain (Chéneau-Loquay citant Gene 2001:36).

Cette modification se trouve d'ailleurs accentuée par l'action des moyens de communication de masse tels que la presse écrite, la radio et la télévision. Contrairement au téléphone et à Internet qui permettent aux acteurs du jeu socio-politique de sélectionner ceux qui peuvent s'exposer à leur message, ces médias ont été surtout conçus pour s'adresser à un large public. C'est pour cela que certains intervenants dans le processus de délibération dans l'espace public au sein des chefferies bamiléké n'hésitent de temps en temps pas à les utiliser comme cadres privilégiés d'expression des opinions et de confrontation des idées. L'observation de la pratique des acteurs ici révèle en effet que les résidants de la province de l'Ouest recourent à cet effet surtout aux médias locaux tels que « Ouest Echos » et « Flash Infos » au niveau de la presse écrite, et aux chaînes radios telles que « Radio Batcham » et la station provinciale de radio Cameroun de l'Ouest à Bafoussam, « Radio Yemba » à Dschang et « Radio Medumba » à Bangangté. Ceux de la diaspora quant à eux sollicitent principalement les services des médias à grande audience. Il s'agit entre autres du poste national de la Cameroon Radio Television (CRTV), des journaux tels que Le Messager, Cameroon Tribune, La Nouvelle Expression et Mutations, et des chaînes de télévision telles que la CRTV Télé, Equinoxe TV, Canal2 International et STV ; la plupart de ces différents médias étant sur satellite.

Ces moyens de communication de masse s'associent au téléphone et à Internet pour faire apparaître la délibération dans l'espace public ici comme un processus complexe impliquant des acteurs qui ne se trouvent nécessairement pas dans un même cadre spatial, mais qui rivalisent pour imprimer à la décision en cours d'élaboration des marques particulières. Tout de même, leur contribution à la prise de décision dans les chefferies bamiléké est limitée par un certain nombre de pesanteurs parmi lesquelles figurent en bonne place la non gratuité des espaces médiatiques, l'exigence du respect de la ligne éditoriale de chaque organe d'information et l'impossibilité pour

de nombreux individus d'acheter régulièrement les journaux ou de s'exposer continuellement aux médias audio-visuels. La diversité des formes d'intervention mises à la disposition des acteurs par ces outils les érige en véritables forums de débats et surtout en instruments privilégiés de la perpétuation de la délibération sur l'espace public dans la culture bamiléké.

Conclusion

L'institutionnalisation des délibérations dans l'espace public au sein des chefferies bamiléké de l'Ouest-Cameroun s'inscrit dans une trajectoire historique. Elle est largement marquée par l'empreinte des origines et apparaît comme « une manifestation de la culture en action ». Elle est constamment traversée par des dynamiques de métissage et de réinvention. Car face aux diverses mutations induites dans les sociétés traditionnelles par l'avènement des Etats modernes et par « l'occidentalisation du monde », les délibérations dans l'espace public qui s'y déroulent connaîtront de profondes transformations allant globalement non pas dans le sens de la régression, mais plutôt dans celui de leur adaptation aux exigences d'un environnement particulièrement instable. Les pratiques délibératives se présentent en effet comme une importante dimension de la culture du peuple bamiléké. Elles fournissent un système de significations que ce peuple utilise pour régler sa vie quotidienne et servent de base à l'identité sociale qui conditionne dans une large mesure la manière dont il se classe et perçoit son appartenance (Quantin 2004:22).

Notes

1. Précisons que le terme « fo » en langue bamiléké signifie chef traditionnel.
2. Nous paraphrasons ici SINDJOUN, L., La politique d'affection en Afrique noire : société de parenté, société d'Etat et libéralisation politique au Cameroun, Boston University, 1998, p. 3.
3. Sur le concept de « démocratie délibérative », voir J. COHEN, cité par HABERMAS, J : L'espace public, Ed. Payot, Paris, 1997, p. XXV.
4. Source : entretien avec des autorités traditionnelles bamiléké.
5. Ibid.
6. Source : entretien avec des autorités traditionnelles bamiléké.
7. Pour une tentative de classification des diverses associations qui structurent les chefferies bamiléké de l'Ouest-Cameroun, voir entre autres : KWAYEB, E. K., Les institutions publiques du pays bamiléké (Cameroun) : évolution et régime actuel, Paris, LGDJ, 1960 ; MAILLARD, B., Pouvoir et religion : les structures socio-religieuses de la chefferie de Bandjoun (Cameroun), Ed. Peter LANG, 1985, 277 p.
8. Cf. CHAU, N. H., cité par ROJOT, J., Théories des organisations, Ed. ESKA, Paris, 2003, p. 153.
9. Source : Entretien avec des notables traditionnels bamiléké.

10. Cf. GONIDEC, P. F., cité par KAMTO, M : Pouvoir et droit en Afrique : essai sur les fondements du constitutionnalisme dans les Etats d'Afrique noire francophone, LGDJ, Paris, 1987, p. 146.
11. Cf. Cercle d'Action Foréké-Dschang Infos N°27, décembre 2006-janvier 2007, p. 3.
12. Voir entre autres sur ce point : L'Equatorial N°030 du 24 décembre 2003, pp. 3-5 ; Flash Infos N°081, janvier 2004 : p. 8.
13. Sources : données recueillies sur le terrain.
14. Source : Archives du service départemental des domaines de la Menoua.
15. Cf. SCHOLTE, J. A., cité par SINDJOUN, L., Sociologie des relations internationales africaines, Karthala, Paris, 2002, p. 7.
16. Cette structure ne doit pas être confondue avec les comités de développement créés par les autorités étatiques à travers le décret présidentiel du 24 mars 1977.
17. Source : Enquête que nous avons menée au niveau des membres de certains comités de développement du pays bamiléké.

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Religious Factors in the Nigerian Public Sphere: Burdens and Prospects

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Abstract

The main thrust of this paper is that religious factors in the Nigerian public sphere have not received much scholarly attention. This is the gap the paper fills as it highlights religious factors in the Nigerian public sphere, which are exemplified in the spiritualisation of politics and election, the interpretation of political manifestoes, voting patterns, the choice of candidates and party leadership, oath swearing into office; the design and execution of political policy, to mention but a few. Attention is also paid to the implications of the above variables for the promotion of political ethics and ideologies. Data obtained from interviews with randomly selected political functionaries along with political historical documents were analysed and discussed within the ambit of functional theory of religion. Having examined the burdens and prospects inherent in the discourse, the paper recommends ways of making religion a continuous veritable tool for promoting good governance in Nigeria.

Résumé

Cette étude vise essentiellement à démontrer que les facteurs religieux dans la sphère publique nigériane ont peu intéressé les intellectuels. Elle se propose donc à combler ce vide, en mettant en relief les facteurs religieux dans la sphère publique du Nigeria, à en juger par la spiritualisation de la politique et des élections, l'interprétation des manifestes des partis politiques, les modes de scrutin, le choix des candidats et des dirigeants du parti, les cérémonies d'investiture, la conception et la mise en œuvre des mesures de politique, parmi d'autres exemples. Les implications de ces variables pour la promotion de l'éthique et des idéologies politiques ont été également abordées. Les données

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obtenues à partir d'interviews menées avec des personnalités politiques sélectionnées au hasard aussi bien que des documents historiques politiques ont été analysés et débattus dans le cadre de la théorie fonctionnelle de la religion. Après examen des fardeaux et perspectives inhérents aux discours, l'étude fait des recommandations sur les voies et moyens de transformer la religion en un véritable outil permanent de promotion de la bonne gouvernance au Nigeria.

Statement of the Problem

Though public sphere discourse is multidimensional and multidisciplinary in content and context (Jürgen 1990:30), the religious factors in it has not be given sufficient attention because of the belief in some quarters that religion is a private matter which has no relevance in public domain (Ajayi and Ikara 1985). In the context of this work, the term 'public sphere' in the words of Hauser Gerard refers to an area in social life where people can get together and freely discuss and identify societal problems, and through that discussion influence political action. That is to say 'public sphere' is 'a discursive space in which individuals and groups congregate to discuss matters of mutual interest and, where possible, to reach a common judgment' (Gerard 1998:86). In the context of this definition, Fraser Nancy describes the public sphere as 'a theatre in modern societies in which political participation is enacted through the medium of talk' and 'a realm of social life in which, public opinion can be formed' (Nancy 1992:109–142). What can further be generated from the above is that 'public sphere' presupposes participatory democracy which by implications rests on the capacity of, and opportunity for citizens to engage in enlightened debate. This brings to the limelight the relevance of public opinions which essentially are characterised by attitudes, perspectives and preferences of a population towards events, circumstances and issues of mutual interest. It ultimately snowballs into political action, thus making public opinions a tool in the public sphere, for steering political activities relating to formulation and execution of governmental policies, ranging from social to economy, science to technology and education to business, among others. At every point, government is expected to listen to the public sphere; this makes for legitimate government. It is important to note that at the point of taking political decision, religion has a way of influencing the public sphere. For example, in Nigeria, religion is always a factor in the public sphere as exemplified in 'sacredising', 'sacrilegising' and 'colourising' of politics and election, interpretation of political manifestoes, voting patterns, choice of candidates and party leadership, swearing of oath of office, designing and execution of political policy.

This subject matter is approached from historical and analytical points of view. This becomes expedient, given the fact that governance and public sphere by nature are inherently historical; hence the need to dig deep into the history of religious occupation of the Nigerian public sphere. We cover the periods such as pre-colonial, colonial, post-colonial and contemporary times in Nigeria during which, religion *qua* religion could be said to have influenced, both negatively and positively, the Nigerian public sphere. In the light of this, relevant political, official cum historical and non-historical documents such as dailies, periodicals, the constitution, national anthems and national pledge among others were collated and scrutinised with a sociological tool which has its roots in the Durkheim functional theory of religion. The theory asserts that religion is a functional element in society (Durkheim 1961:52). The information gathered from such an enterprise would be harnessed with information gathered through interviews from selected political functionaries, actors and actresses in Nigeria. The work, however, in addition would look objectively and analytically at the burdens and prospects inherent in the religionisation of the public space in Nigeria.

In terms of scope, the work is divided into five sections covering religious factors in the Nigerian public sphere, manifestation of religious factors in the Nigerian public sphere, burdens and prospects, concluding remarks and finally, recommendation, which is geared at making religion *qua* religion a continuous veritable tool for promoting good governance in the Nigerian public sphere on the one hand and African public sphere on the other hand, now and in the future.

Religious Factors in the Nigerian Public Sphere

What we intend to demonstrate in this section is that religion *qua* religion occupies significant space in the public sphere, using Nigeria as a case study. This is manifested in the reading of religious meanings into the conception, understanding and workability of the African public sphere. This tends to suggest that religion and politics intertwine as far as Nigeria is concerned. This development, no doubt is a clear manifestation of the popular Mbiti thesis that Africans are notoriously religious, and each person has its own religious system with a set of beliefs and practices. Religion permeates all departments of life so fully that it is not easy or possible always to isolate it (Mbiti 1969:1). Relating this to politics brings to mind the idea of theocracy, which is a government by a god/God that is, a kind of polity in which, God is regarded as the sole sovereign and the laws of the realm are regarded as divine commands. In practice, theocracy manifests in the belief that God is the political king, ruler or leader who rules his people indirectly through a set of people (leaders). These rulers in the words of Mbiti (1980:82) are regarded

as earthly viceroys or earthly vicegerent in traditional African societies. It is interesting to note that belief in theocracy is also cardinal in Islam (Qur'an III; verse 27) and Christianity (Roman 13:1-3). Under such an arrangement, the state is seen as the enforcement and necessary agency of religion because of the tendency of people to deviate from societal norms but to depend on religion for its authority. This perhaps further explains why many African nations and even advanced nations in history were subordinated to the religious institution in their acts of governance. For example, we remember in history, the theory and practice of church-state relations the world over, especially in the medieval Europe prior to the 18th century enlightenment age when educated people thought that beliefs should depend on reason and scientific proof (Johnstone 2001:131). While advanced nations like the US severed religion from their polity, the Nigerian nation still invokes religious sentiments in acts of governance. However, there has been much demand today for the separation of religion from politics, so that each could exist on its own without undue interference. The workability of the total separation remains in doubt as religion continuously manifests in her body polity, including its public sphere.

Manifestation of Religious Factors in the Nigerian Public Sphere

It is worthy of note at this point that religious practitioners and, in fact, religious institutions are integral part of the Nigerian public sphere. They have capacity to influence politics and society. At group or sub-group levels, religious practitioners do meet, freely discuss and identify societal problems, and through such discussion influence political action. This is done by interpreting religiously governance in its entirety, especially as it relates essentially to policy formulation and the execution of public import. In other words, every governmental apparatus, political power, authority and control are coated with religious flavour and they therefore provide a basis for government legitimacy and the need for obedience to constituted authority. The government officials too, do influence the public under religious canopy in marketing and implementing their political policies. This feeling is expressed in the conception of political power and nation**,** political manifestoes, voting patterns, choice of candidates and party leadership, and swearing of oath of office. We shall prove this assertion below.

Conception of Political Power and Nation

An average Nigerian public believes that political power is of God and who-ever gets the power must have got it from God. This perhaps is the basis of the popular dictum that 'the voice of man is the voice of God'. Nigerian Christians are fond of quoting the Bible stating that all authority is ordained

by God while Muslims also explain the concept of political power and nation as something that have their bases in Islamic principle of unity, which form part of Islamic predestination theology (Khan 1993:23). Even ordinary election results, which are man-made and mere practical political action, are explained in religious terms. It is amazing that the so-called losers in the April 2007 general elections who wanted to challenge the mass rigging in the elections in courts and tribunals were advised against such decision, to leave everything in the hand of God. In our estimation, this practice is anti-public sphere in theory and practice at a time when there is a need to correct social ills in our contemporary governance.

The concept of a nation which, to political scientists, is just a human community possessing an historic territory, shared myths, symbols, and memories, a common and distinctive public culture, and common laws and customs for the members, is interpreted by an average Nigerian as a religious based community. This mentality is impeccably reflected in the preamble of the Nigerian Constitution which states as follows:

> We the people of the Federal Republic of Nigeria, having firmly and solemnly resolved, to live in unity and harmony as one indivisible and indissoluble sovereign nation *under God,* dedicated to the promotion of inter-African solidarity, world peace, international co-operation and understanding and to provide a Constitution for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people, do hereby make, enact and give to ourselves the following Constitution (Nigerian Constitution 1999). (the italic is mine)

Adjunct to that is the ending of Oaths of Allegiance sworn by public officers with the word …So help me God. However, this practice which is not peculiar to Nigeria falls under what Jonathan Smith labels as civil religion, which refers to the set of religious or quasi-religious beliefs, myths, symbols and ceremonies that unite a political community and that mobilise its members in the pursuit of common goals (Smith 1995:275). According to Jean-Jacques who was the first to use the term, civil religion implies that:

> there is a purely civil profession of faith, the articles of which it behoves the sovereignty to fix, not with the precision of religious dogma, but treating them as a body of social sentiments without which, no man can either be a good citizen or a faithful subject (Barker 1960:305-306).

The idea of civil religion refers to the view of some people that the foundation of their societies and the events that mark its progress through history are parts of a larger, divine scheme of things. This thesis could also best explain religious coloration of Nigerian national symbols such as currency,

statue, tower, national anthem and national pledge. These symbols among others are of national significance because they signify common national traits which, by implication, remind Nigerians of their origin, history, and political development. Such consequently propels them to work in unity as people of common identity and origin.

Choice of Candidates

Election time always provides an opportunity for the public to get together, freely discuss and identify societal problems inherent in politics, and through that discussion influence political action by nominating or selecting candidates of their choice. One of the problems is whipping of religious sentiment into public matters in such a way that interests of people belonging to different religions are safeguarded. At this time, supporters of almost every candidate for public office at all levels can be heard during the campaign talking about trying to get the 'Catholic vote', 'Muslim vote', 'Baptist vote' or 'Pentecostal vote'. Such interest, according to Johnstones, gives very explicit recognition to the correlation that exists between religious affiliation and commitment on the one hand and voting behaviour on the other hand (Johnstone 2001:134). In Nigeria, such practice is spearheaded by religious bodies such as CAN (Christian Association of Nigeria) and the Supreme Council of Islamic Affairs (SCIA) in such a manner that the choice of a candidate to a public office is made with reference to his/her religious affiliation. At this point, we hear of Christian/Muslim or Muslim/Christian ticket. This is common where we have two positions running concurrently such as those of President and Vice President, Governor and Deputy Governor. This practice is evident in the leadership of the nation as shown below:

1. Nnamdi Azikiwe/Tafawa Balewa (Christian/Muslim) 1960 – 1966
2. Shehu Shagari/Alex Ekwueme (Muslim/Christian) 1979 – 1983
3. Buhari/Idiagbon (Muslim/Muslim) 1983 – 1985
4. Babangida/Ebitu Ukiwe, Aikhomu (Muslim/Christian) 1985 – 1993
5. Shonekan/Abacha (Christian /Muslim) 1993 – 1997
6. Abacha /Diya, (Muslim/Christian) 1997 – 1998
7. Abubakar/Akhigbe (Muslim/Christian) 1998 – 1999
8. Obasanjo/Atiku (Christian / Muslim) 1999 – 2007
9. Yar'Adua/Jonathan (Muslim/Christian) 2007 to date

Religious Law as Bait During Electioneering Campaign

In history, a few politicians used possible entrenchment of the laws of a particular religion as a bait to secure the votes of practitioners of such religion. For example, the immediate past Governor of Zamfara state, Alhaji Yerima, during his electioneering campaign in 2003, promised the northern

Muslims that Sharia laws would be introduced in the state if Muslims voted for him. On the basis of this, he got elected and on getting to power,he made the state an Islamic state with the introduction of Sharia law. However, the development had since then generated controversy among Christians and Muslims in the state because Christians in the state complained of being denied their religious rights and freedom (Ayantayo 2005:55-64).

In the same year, 2003, Major General Buhari of the ANPP adopted the same strategy when he was alleged to have advised Muslims not to vote for Christian candidates but Muslim candidates. This development has also generated argument, counter-argument and war of words in the media and public forum among Christians and Muslims. Christians did not only condemn the standpoint of Buhari but they also demanded a public apology from him (*Nigerian Tribune* 2003:13). Save for several appeals from the CAN and individual Christians, the controversy could have degenerated into a religious war. On the account of this, we can argue that whipping of religious sentiments is a serious issue posing threats to democracy because of the danger inherent in it. Perhaps, it is in the light of this that Ahanotu exclaims that:

> The struggle on how the Muslim or Christian communities will live and be governed in the modern state Nigeria has produced mutual fear, suspicions and tension. There is religious shivering, certain verbosity and quite a bit of irritation in both communities (Ahanotu 1992:89).

Use of God Language

Religion is brought into the election process through the use of God and religious language rather than political language which pervades political manifestoes, which parties or individual contestants intend to offer the public in order to convince them about the need for them to be voted for. This practice was pronounced during the second republic (1979 and 1983). For example during the electioneering campaigns of the National Party of Nigeria in 1979 and 1983, the party made bold of the fact that it meant well for the nation because it was the only party laid on religious foundation. On the account of this, it appealed for one Nation with one Destiny under one God. Some northern Christians interpreted this to mean that Islam is being placed over and above Christianity in Nigerian politics. This generated acrimony and insinuations in some quarters on the ground of the assumption that the National Party of Nigeria (NPN) was designed to advance the course of Islam against Christianity. It is no wonder why some Christians in that circle likened the idea of raising one finger as the logo of the party during election-eering campaign to mean one religion, which is Islam. Given this, Muslim politicians in the northern Nigeria conclusively interpreted the raising of two

fingers by the Unity Party of Nigeria, to mean two Gods/gods which, is tantamount to polytheism. For this singular reason, Muslims in the northern part of the country were enjoined not to vote for the Unity Party of Nigeria. According to Hassan Kukah, the concept of one Nation with One Destiny under God, which was advanced by the N.P.N., was an extension of the old Nigerian People Congress's (NPC) One North, One People. He adds that the same was also set within the context of the politics of the late Sardauna of the northern ruling class (Kukah 1993:146). One could be tempted to sub-scribe to Kukah's thesis because in the northern part of the country, espe-cially during the first republic, religion was a factor in advancing the political interest of the northern elites. Alliances among parties were formed with religious considerations. For example, when NEPU went in alliance with NCNC, a southern party, they were projected as people who had sold out their religion. In the same vein, those who were not in the fold of the NPC were regarded as traitors who had deviated from the path of God, the idea that the party had constantly advanced. It is important to note at this junc-ture that it had been the Article of faith within the northern Caliphate that 'the hand of God is on the community and he who sets himself apart from it will be part in the hell. He who departs from the community by a hand span ceases to be a Muslim (Dudley 1968:143).

Based on the fact that religious sentiment had some attraction for the process of political bargaining, in 1983, the presidential candidate of National Advance Party, Dr Tunji Braithwaite, changed his political agenda from a plan to eradicate rats, mosquitoes, cockroaches, etc., to take the nation back to God as an answer to national paralysis, spiritual decay and callousness (Miles 1988:72). It is interesting to note that at the end of various elections that year, the NAP did not win a single seat at any level. This is suggestive that God apparently may not have anything to do with the election or that whipping of religious sentiments does not absolutely imply that someone would win an election. To our mind, the act of sensitising people to vote for a party in the name of religion is just a diversionary tactic that may or may not work well at all times. This reminds us of President Babangida's tactics of using God language precisely 'Insha Allah' (meaning by the will of Allah) whenever he was to answer questions on whether or not he would vacate office after the general elections of 1993. He was fond to saying 'Insha Allah' to prove his sincerity about his plan to vacate office for whosoever won the 1993 presidential election. Unfortunately, he annulled the election which was regarded as the freest and fairest election, even when it was said to have been won by a fellow Muslim. At the end, he was pressurised to leave the office (Olasupo 2003:145-159).

Spiritualisation of Electoral Process and Body Polity

Spiritualisation of electoral process connotes the act of taking into spiritual or supernatural realm, thereby creating an impression that success in election is independent of wisdom, foresightedness, logical plan, widespread political tour and good campaign, adequate political logistics, and people oriented political manifestoes but by divine intervention or divine help, manipulation and inducement. For example, the CAN – Christian Association of Nigeria – Shomolu 1 Bariga Chapter recently held a prayer session for hitch-free council polls election slated for 11 October 2008 (*Nation Newspaper* 2008). In the same vein, after the re-run of Gubernatorial election in Cross Rivers State of Nigeria on 30 August 2008, the winner Liyel Imoke, remarked publicly that prayers reinstated him and not political diplomacy (*Nation Newspaper*, 2 September 2008). The impression the public and even politicians do have is that electoral issues are better settled spiritually thorough prayers, manipulation of angelic beings and the use of magic than making appeals to political wizardry. Some candidates practically demonstrated this by boasting that if certain groups of people or individuals refused to vote for them, then, some natural objects like stones, pebbles and leaves would vote for them in their stead. Counting on this, some politicians did express their much reliance on the power of prayer or magic to win elections. This also goes with the use of charm, magic and occultic powers to either threaten political opponents to withdraw in election contest or at times to threaten electorates not to vote for candidates of their choice, even after they might have been convinced of the need to do so, going by the content of political manifestoes such party or individuals might have presented to the populace during campaigns. Some equally used magic to hypnotise voters to vote for them or for a particular party against the party they initially had in mind. Though we do not have statistical data at hand to practically demonstrate the degree at which the religious methods mentioned above had worked or are working, we cannot deny the fact that they are issues during election periods in Nigeria, and that they negate the spirit of democracy.

Our contention at this juncture is that, laying emphasis on religion as against other factors, like political manifestoes, as those influencing voting decision is dangerous to democracy. This point is arguable in that democracy always makes provision for freedom of choice as regards which party one should vote for with attention paid to political manifestoes presented to the electorate during the campaign exercise. Therefore, to blindfold voters with religious sentiment would amount to diverting them from the appropriate direction – political manifestos that have capacity to influence which candidate or party should be voted for. The practice of holding constant and organised prayer sessions to influence governmental policies in public offices and outside

it in places like schools, churches, universities, mosques, shrines, market places and stalls is another way by which religion is used to influence the Nigerian public sphere. This exercise is captioned as *'Nigerians pray'* and is been coordinated by General Gowon, former Nigerian Head of State. The prayer sessions were characterised by many prayer points geared towards making Nigerian government humane.

Religion as Mobilisation Tool of Implementing Government Policy

This is manifested in the use of religion by policy makers to convince the populace about the need to appreciate and allow government policy to function. At this point, religious belief is explored as a tool to implement government policy. For example, the government of Lagos State in Nigeria of recent used selected Christian and Islamic religious leaders in paid advertisement to sensitise her citizens to pay tax as one of the sources of internally generated revenue (IGR). This view is expressed in the advert within the contexts of the following pictorial settings: We have the inscription stating 'You are obeying God's word when you PAY YOUR TAX; there is a bold picture of Pastor Adeboye, the General overseer of the Redeemed Christian Church; a small picture was inserted near the picture of the religious leader to suggest that some infrastructures are waiting for government funding; following this is a lengthy quotation reading thus: 'Let somebody shout Hallelluyah' (It is important to note that Pastor Adeboye is reputed to be fond of saying 'Let somebody shout Hallelluyah' to the extent that many people have taken the expression as his password). Our Lord and saviour Jesus Christ in Mark 12:13-17 enjoins us to give unto Ceaser what belongs to Ceaser, and this includes paying our taxes. Paying our taxes is not only a civic responsibility, but also being obedient to the word of the Lord. Now there's abundant evidence to show that the Lagos State government has made it a duty to provide improved health care facilities, better sewage disposal, better road network and transportation. To do all these, the government needs your support and cooperation. That's why I'm appealing to you, please pay your taxes Let somebody shout Hallelluyah' and finally, we have the logo of Lagos Internal Revenue Service saying: Pay your tax (*Nation Newspaper* 9 July 2008:A6).

Another one was published for the attention of Lagos Muslims and it appears in this manner: every religion supports payment of Tax, PAY YOUR TAX; we have a bold picture of Imam Garuba Akinola, Chief Imam of Lagos state; a small picture inserted near the picture depicting infrastructures waiting for government funding; we have lengthy quotation reading thus: 'Asalam alaikun waramotulai wabarakatum! My dear brothers and sisters in Islam, the Holy Qur'an enjoins us to discharge our civic responsibilities by paying

our tax so that we can contribute to the progress and development of Lagos State. Tax is the vehicle through which government derives resources for the provision of social infrastructural amenities for its citizens. Let us obey the teachings of Islam by cooperating with government in the payment of our tax. *Eko ko ni baje* and in conclusion, we have the logo of Lagos Internal Revenue Service saying Pay your tax (*Nation Newspaper*, 30 July 2008:A4). In the two instances, the Lagos State Government has taken advantage of the respect that Christians and Muslims have for the two religious personalities in question to market their political policy aimed at generating resources for the running of government. The degree at which this mechanism has worked or not would be a subject of verification for sociologists of religion.

Burdens Inherent in the Space Religion Occupies in the Nigerian Public Sphere

Exploration of religion as instrument of influencing politics in the Nigerian public sphere is not without its burdens because, more often than not, the practice is tantamount to manipulation of religion, which has its attendant problems, such as intra and inter-religious conflicts. Manipulation of religion theory was popularised by Usman Bala who defines it as 'an act of controlling the action of a person or group of persons without that person or group knowing the goals, purpose and method of that control and without even being aware that a form of control is being exercised on them at all' (Bala 1987). This theory has been exemplified in various ways in which Nigerian political leaders have whipped religious sentiments in the process of interpreting some political policies and government actions, some of which have been mentioned in the preceding sections. What is alarming in the matter is that those being manipulated via religious sentiment are ignorant of their being manipulated and, ironically, they consciously or unconsciously become puppets in the hands of their users-political elites. This perhaps explains why democracy has not worked to the satisfaction of Nigerians, especially those people who believe that many of Nigerian politicians are not mature politically. The practice also has some moral implications because, in our judgement, whipping of religious sentiments to win the sympathy of electorates is a game of deceit because there is relationship between politics and morality. The relationship is very simple, given the fact that politics is a subject of moral evaluation. It is in this sense that we talk about political morality which refers to moral rules regulating political behaviour and activities such as voting, campaigning electioneering processes among others. It is also within this background, that we can associate moral values such as the following: truthfulness, accountability, responsibility, justice, faithfulness, love, tolerance and discipline with political activities. On this ground, we

expect politicians to be truthful in governance and be disciplined in the use of power or mandate given to them by the public via election or selection processes, as the case may be. For this reason, we can argue that the use of religion as a bait to secure votes is tantamount to falsehood, which is also antithetical to democracy and good governance. The falsehood involved is detestable because it is a clear departure from the ethos of religion being used as bait, as Christian and Islamic religious traditions and scriptures are replete with moral values associated with politics generally and how politicians should behave towards good governance (Dzurgba 2003:38).

Consequently, the practice of whipping up of religious sentiments in the Nigerian public sphere has uncountable effects on the electorate, politicians and the democratic system of government itself. Such effects manifest in diverse ways and at different levels, particularly as they pertain to inter-religious and inter-party relations. The use of religious law as a bait to woo a religious group to vote for a particular candidate as against the other has potentials to generate inter-religious conflicts in Nigeria. For example, the allegation that Major Mohammad Buhari once asked Muslims to vote for only Muslim candidates in the 2003 election generated cold blood between Christians and Muslims. Many rejoinders were written by Christians to protest the alleged (Buhari's) statement, which also resulted in press war on the ground that Nigeria is a civilised country and cannot afford to be drawn into religious politics and that what Nigerians want is a Nigerian who can suffer and die for the people, with good governance (*Nigerian Tribune* 26 February 2003).

Such political gimmick almost resulted in political and religious crisis. But for the political maturity that some Christians and Muslims exhibited, the press war could have led to another religious violence in Nigeria. The act itself demonstrates lack of patriotism and sense of selfishness on the part of politicians who use religion as a disguise to lure voters into voting for them. The act itself is unconstitutional because Section 42 (1) of the Nigerian Constitution in part states that no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth, community, ethnic group, places of origin, sex, religious or political opinions (Federal Republic of Nigerian Constitution). The bad aspect of this development it is that political intolerance is antithetical to democracy, which presupposes tolerance of opposition. Worse still, religious colouration of election, which we likened to diversionary tactic, has tendency to lead voters to vote for wrong, incompetent candidates who could not deliver public good. This development has led to political instability, underdevelopment in politics and economy, absence or lack of continuity of government policy

and finally bad governance in Nigeria. It is in the light of this argument that Lawal's observation is apposite when he writes that:

> Nigeria's chequered political history is bedevilled with the gory tales of political instability, bad governance and maladministration…the problems of bad governance emanating from electoral crisis have had far reaching destructive impacts on Nigerian political system which, are manifested in suffering, insecurity and backwardness (Lawal 2003:125-132, p. 130).

Prospects of Religious Occupation of the Nigerian Public Sphere

Hopefully, religion, if well harnessed, has much potential to influence public sphere because by its nature, it is a group phenomenon exemplified in congregations, ceremonial gatherings, denominational prayer meetings, family pilgrimages and ecumenical councils. In history, the three major religions viz.: traditional religion, Islam and Christianity have no doubt influenced and have indeed continued to influence the Nigerian public sphere in one way or the other because of the interplay between religion and governance in Nigeria. In other words, religion remains an issue in Nigerian political terrain, or better, put Nigerian public domain (Smith 1971:140-169). It is so because as stated earlier and as exemplified in the words of Mbiti, Africans are notoriously religious and this accounts for their constant interpretation of the content and intent of politics through religions. This is further exemplified in the fact that Africans were/are still used to viewing government as ordained by God/god and political leaders as gods or direct agents of God. From the past to date, Nigerian societies, like many African societies, have not become as secularised as most societies of the West though this process would still surface in the nearest future. But meanwhile, the place and space that religion occupies in public cum political domain remains indispensable

From the foregoing, appropriating religion in political terrain is like a tradition which has become a way of life in Nigerian public sphere. The tradition, no doubt, strengthens and weakens political structures. It plays conflicting roles in politics. What needs to be done is to recommend ways of exploring the positive side of it and discourage the negative aspect of it. Invariably, it is not out of point to suggest that Nigerian religious practitioners should be taught and oriented on how to make good use of religion in public sphere to avoid rancour and acrimony often associated with the Nigerian politico-religious terrain. The first step is promotion of democracy education at secular and religious levels. By this we mean enlightening the public about the tenet of democracy and good governance, which includes sovereignty of the people, government based upon consent of the governed, majority rule, minority rights, guarantee of basic human rights, free and fair elections, equality before

the law, due process of law, constitutional limits on government, social, economic and political pluralism and values of tolerance, pragmatism, cooperation and compromise (United States Information Agency, October 1991). The object of democratic education is to produce citizens who are independent, critical and analytical in their outlook, yet deeply familiar with the precepts and practices of democracy.

This type of education is expected to make it difficult for the electorate to be easily susceptible to political gimmick garbed in religious sentiment. Religion has much prospect to influence public sphere because by nature it is a group phenomenon. This is exemplified in congregations, ceremonial gatherings, denominational prayer meetings, family pilgrimages, and ecumenical councils. There are a lot of lessons to learn from the Nigerian traditional political societies where high premium was placed on the moral values, which have their roots in traditional religious beliefs and practices. Such values include responsibility, accountability, discipline, dutifulness, justice and servanthood among others. The political structure itself allows for free participation in decision making that affects the village, town, or state. In the words of Kwame Gyekye who has written extensively on chiefship and political values in Africa, the method of arriving at decisions, reflecting respect for the individual is that of consultation and consensus, freedom of expression, and openness of deliberations at public meetings and assemblies (Gyekye 2002:121). These practices, to a large extent, are important elements of the democratic principles with basis in African social morality.

Also, in Islam and Christianity, a lot could still be derived from their scriptural teachings on value-underlying politic which, in our judgement could be called political values. From the Christian religious point of view, good governance which, as a duty, must be demonstrated in good leadership in public domain as an example presupposes discharge of certain responsibilities exemplified in knowing the key to maintaining high motivation and morale within the group as Moses and Samuel exemplified good leadership in the Bible. This implies also that every Christian leader must be responsible, growing, exemplary, inspiring, efficient, caring, communicating, good-oriented, decisive, competent, unifying and hard working. For Islam, the premise for political morality is that morality is taken as an integral part of Islam. Therefore, every Muslim, irrespective of status or position, is enjoined to do the right and forbid wrong (Surah 3:104,110), be firm (Surah 8:24), be of good manner – (Surah 25:62-68), be sincere lovers of truth and witness – (Surah 58:19), to discipline self – (Surah 3:152; 55:4), be just (Surah 4:40), promote justice – (Surah 21:47), be humble – (Surah 6:42-43; 7:161; 57:16); not to deceive themselves – (Surah 2:9); not to make mischief, fool or

mockery – (Surah 2:11-12; 2:13-15). In other words, Muslims are to fulfil obligations and oaths and promises epitomised in political manifestoes, election promises and oath of allegiance sworn to before getting to office (Surah 2:224-227; 5:1; 92); to work towards political peace devoid of thuggery and political assassination which presently characterise the Nigerian political terrain. Righteousness in the Nigerian public sphere, with its basis in Surah 2:177, 207-208, 212; 3:16-17, 92,133-135,191-195; 4:36, 135; 23:70-71, 90 and 8:61, is advocated.

The impression we are trying to create here is that the shrine, the church and the mosque have a duty of educating their members about the right action to embark upon and the bad action to desist from in the public sphere and, in fact, in the overall political activities on the other hand. Corroborating the need for the mosque to offer political education from the Islamic perspective, Justice Ahmed Lemu writes that: … there is need for proper education with the ultimate aim of facilitating the balanced growth of the total personality of man through the training of man's spirit, intellect, rational self, feelings and bodily sense (Lemu 1986:175). For the Christian, Adeogun, like Lemu, likens the church to a school for ethical development where its members, particularly political leaders (quoting Philippians 4:8), should do whatever things are true, honest, just, pure, lovely and of good report, not only in their religious centres but in public domain where they, as part and parcel of society, engage themselves in the Nigerian public sphere (Adeogun 1986:82).

Concluding Remarks

With religious approach to good governance as discussed above, it is our hope that the public generally would begin to do thorough assessments of political manifestoes as a guide towards public oriented voting decision, showing concern for merit as against bias and sentiment, and placing emphasis on past records of achievement of politicians as against whipping of religious sentiment. With this arrangement, it is likely that Nigerian politicians and the public would handle with ethical consideration the Nigerian public sphere. Careful and ethical handling of religious dimension to public sphere is an important indicator of the overall democracy which Nigerians have long yearned for. Such would consequently advance the course of democracy and development exemplified in good governance. To our mind, good governance is anchored on morality, which is fundamental to religion. It is important to note that religion is unique in claiming a higher source of societal morality because it ultimately invokes the sacred or the supernatural in order to influence the behaviour of individuals who are part and parcel of the public sphere (Manus 2006:1-26). What is necessary at this juncture is that

Nigerians should appeal to religion positively as a condition to take the lead in advancing good governance in Africa where it claims to act as big brother. Such a choice is very much needed for Nigeria to advance as an enviable public sphere that would compete favourably with global public sphere as noted earlier somewhere (Ayantayo 2004:54-64).

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L'Islam et la femme dans l'espace public au Niger

Mahaman Alio*

Résumé

Le but de cet article est de montrer comment la femme nigérienne a négocié et continue de négocier sa citoyenneté dans un pays à 99 pour cent musulman. Dès l'indépendance, on voit nettement le jeu d'équilibre que faisait le président Diori Hamani pour préserver la laïcité du pays et les droits de chaque composante de la nation. En 1975, à la faveur de l'Année Internationale de la femme, celle-ci entre sur scène et depuis lors, elle revendique quotidiennement ses droits.

La démocratisation de la société nigérienne à partir de la Conférence Nationale de 1991 a amené aussi dans l'espace public les associations musulmanes et chrétiennes, avec leurs revendications propres. Ce qui distingue ces nouvelles forces sociales de celles auxquelles l'Etat nigérien était habitué, c'était que celles-ci posaient des problèmes nouveaux, d'ordre religieux. Le débat a aussi engagé l'intelligentsia du pays, qui éclairait l'opinion. Toutes ces luttes citoyennes ont permis la prise en compte des femmes dans les choix politiques malgré les pesanteurs religieuses.

Abstract

The aim of this paper is to show how women in Niger have negotiated their citizenship in a country the population of which is 99 per cent Muslim. Right from independence, one could see the balancing game which former president Diori Hamani played to maintain the secularity of the state and the citizens' rights. In 1975, taking advantage of the International Woman Year, women came into the public sphere, and have since then continued to demand their rights.

The democratization of the Niger society, stemming from the 1991 National Conference, has brought in the public sphere Muslim and Christian associations with their own demands. What distinguished these movements from what the Niger State was used to was that they brought new issues in the public sphere, especially religious ones. The

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intellectual elite also played their enlightening role in this debate. All these
different citizenship movements led to the consideration of women and their
political choices despite religious interferences.

L'Islam et la femme dans l'espace public nigérien

La relation entre l'islam et l'espace public au Niger, particulièrement son
rapport avec l'Etat, a été étudiée assez tôt (Triaud 1981) et il est apparu
nettement le jeu d'équilibre auquel se livrait le politique, notamment le pre-
mier président de la république M. Diori HAMANI (1960-1974) pour préserver
la laïcité du jeune Etat ; un jeu qui n'occultait tout de même pas une flagrante
réalité : l'écrasante majorité de la population du Niger était musulmane.

Même s'il est connu que des femmes ont occupé de hautes fonctions
dans les régimes précoloniaux de l'espace nigérien, on retient que ce fut à
la faveur de l'année internationale de la femme en 1975, que la femme
nigérienne a songé à braver la coutume et à aller à la conquête d'un espace
qui était jusqu'alors réservé aux hommes. Timide au départ, cet
investissement de la femme nigérienne dans l'espace public deviendra total
à partir de la marche du 13 mai 1991 organisée pour revendiquer une
représentation plus importante à la Conférence Nationale Souveraine devant
se tenir en juillet de la même année.

En novembre 1991, M. Cheffou Amadou, le Premier Ministre issu de
cette Conférence Nationale, commençait son discours par la formule
consacrée utilisée par les musulmans « au nom de Dieu, Le Clément, Le
Miséricordieux », formule qui a laissé pantois plus d'un politicien, habitué
aux formules plutôt « laïques » comme « mesdames, messieurs, mes chers
compatriotes ». Cet événement, plutôt insolite, marque pourtant une nouvelle
phase de relations entre le sacré et la sphère publique au Niger.

La démocratisation de la société nigérienne a aussi amené, dans l'espace
public, les associations confessionnelles (musulmanes et chrétiennes), les
autres associations et ONG féminines, chacune cherchant à imposer ses
arguments (souvent à travers la rue) à la classe politique. Ainsi, au propre
comme au figuré, l'espace public (la rue, les lieux de meeting, les médias,
l'espace politique, etc.) est devenu un enjeu pour ces forces. Ce qui distingue
ces nouvelles forces sociales de celles auxquelles les Etats africains étaient
habitués, notamment les syndicats et les scolaires, c'est que celles-ci posent
des problèmes nouveaux, inédits et même dans certains cas révolutionnaires :
les musulmans réclamaient, sinon l'instauration de la *shari'a* (loi musulmane)
comme dans certains Etats du Nord-Nigéria, du moins la prise en compte de
l'islam dans les affaires de l'Etat ;[1] les Chrétiens demandaient la prise en
compte de leur religion face à la toute-puissance des musulmans, et les femmes
réclamaient, en plus de la ratification de la CEDEF (Convention portant

Elimination de toutes les formes de Discriminations à l'Egard des Femmes), un quota dans les fonctions administratives et politiques et un code de la famille sur la question du mariage.

Un autre fait nouveau est la mobilisation de l'intelligentsia : le leadership de l'islam au Niger n'est plus l'apanage d'une catégorie d'hommes appelés « marabouts » que l'opinion générale associe de plus en plus à l'obscurantisme ambiant, mais celle d'intellectuels arabisants formés dans les grandes universités des pays du golfe arabique (et qui cherchent à se faire une place comme celle jusque-là occupée par les seuls europhones) et celle aussi d'intellectuels formés à l'école occidentale, sans distinction de sexe.

Si, sur le plan institutionnel, l'aspect genre a été pris en compte par les autorités nigériennes depuis les années 1990-2000, avec la création d'une direction de la promotion de la femme, puis d'un Secrétariat d'Etat à la condition féminine et enfin d'un Ministère de la promotion de la Femme et de la protection de l'enfant. Il faut par contre attendre 2007 pour voir apparaître un Ministère des affaires religieuses et un Conseil islamique. Des pesanteurs sociales nationales, en effet, interagissent avec des facteurs extérieurs : les femmes sont soutenues et encouragées par le mouvement féministe mondial, alors que les musulmans du Niger prennent exemple sur ce qui se passe au Nigéria voisin, le tout sur fond de recherche et d'acquisition des dividendes politiques à l'interne et financiers à l'externe.

Ce qu'il y a lieu d'appeler le paradoxe nigérien, c'est-à-dire « une administration laïque régissant une réalité islamique » (Idrissa 2005:348) sera mis à rude épreuve avec la floraison et la diversité des moyens d'information : la presse, la télévision et la radio privées, soustraites du contrôle de l'Etat, deviennent plus accessibles, libèrent la parole et rendent plus efficiente la mobilisation autour d'idéaux ou de revendications identitaires ou sociales. Un des effets de cette libéralisation des médias est qu'elle profite à la formation et à la transformation continues de la femme nigérienne qui ne tient plus à rester cette « bonne épouse religieusement formatée » dont l'homme exploite la crédulité et l'ignorance.

C'est donc toute cette lutte d'influence entre l'islam et la question du genre dans la gestion de l'espace public que nous voulons analyser, en particulier à travers certaines questions qui ont focalisé le débat public : le projet de code de la famille de 1993 (sur lequel nous insisterons parce qu'il a le plus attiré l'attention et mobilisé les énergies. Ce sera l'élément le plus illustratif de notre analyse), la CEDEF (convention pour l'élimination de toutes les formes de discrimination à l'égard des femmes) en 1999 et le FIMA (Festival international de la mode africaine) en 2000. Nous tenterons aussi de cerner les dynamiques au sein des groupes : d'une part la lutte d'influence entre femmes musulmanes et femmes « laïques » ; d'autre part la disparité

de plus en plus marquée entre les vieux ordres soufis (Tijaniya et Qadriyya) et le mouvement réformiste musulman (izala). Enfin, nous verrons si ce débat ne pose pas la question du choix d'un modèle de société ou s'il n'est qu'un aspect de la lutte pour l'accès au pouvoir. La démocratie ayant montré à chacun la voie pour se faire entendre, l'espace public devient un enjeu pour les différentes forces en présence.

La démocratisation du Niger et l'espace public comme enjeu

Rappelons que c'est avec la démocratisation du pays à partir de 1991 que l'espace public est devenu un enjeu, ce qui a suscité, pour l'occuper, une floraison d'associations, de partis politiques et un fractionnement des anciennes structures syndicales.[2] C'est dans cette ambiance que sont nés différents groupes de pression identitaires (islamiste, féministe, chrétien, etc.) avec pour objectif d'imposer leurs vues aux dirigeants à travers la mobilisation de l'opinion publique. Le jeu politique fondé sur les élections réduit la marge de manœuvres des autorités politiques qui agissent avec tact pour ne pas heurter l'électorat. La liberté qui a accompagné la démocratisation a, pour un pays comme le Niger qui a vécu des dictatures civiles et militaires depuis son indépendance, entraîné l'expression de toutes les formes de frustration qui ont pour enjeu l'espace public et la mobilisation de moyens d'expression conséquents qui justifie la floraison des médias : plus d'une vingtaine de radios privées, plus de trente titres de journaux et quatre stations de télévision privées qui viennent s'ajouter aux deux publiques.

La mondialisation a, dans son aspect communication, beaucoup contribué à un changement de mentalités et d'approches fondé sur une solidarité internationale, sur un transfert des valeurs culturelles de l'Occident et de l'Orient vers l'Afrique, ainsi que sur la disponibilité de l'information en temps réel, information diffusée quotidiennement par le Central News Network américain (CNN), Al-Jazeera, Al-Arabia, et de plus en plus captée au Niger à travers les antennes paraboliques.

Avec le mouvement syndical qui a déjà eu à croiser le fer avec les différentes dictatures et a contribué à instaurer la démocratie au Niger, le mouvement féministe soutenu de l'extérieur et représentant une certaine « mode » avec de grandes conférences organisées sur les femmes à l'échelle mondiale (Mexico 1975, Nairobi 1985, Beijing 1995, etc.), était l'un des premiers à exprimer son besoin de liberté.

La naissance du mouvement féministe nigérien et son influence sur l'espace public

La nécessité de la participation de la femme aux « affaires » publiques a été notée depuis longtemps donc les sociétés africaines bien avant que Lénine ne

déclare qu'il « est impossible d'assurer la vraie liberté, de bâtir la vraie démocratie, moins encore le socialisme, sans la participation des femmes à la vie politique, à la fonction publique, à la milice, sans les arracher à l'ambiance abrutissante du ménage et de la cuisine ».

Les femmes « ne seront pas libérées de l'extérieur, elles se libéreront elles-mêmes, individuellement et collectivement » a su bien dire J. Ki-Zerbo (2003:126). Comme pour lui donner raison, les femmes du Niger se sont organisées dès les premières heures des indépendances, dans le giron du PPN-RDA,[3] parti unique au pouvoir. L'Union des Femmes du Niger (U.F.N) avait des revendications timides, notamment une nouvelle législation sur le mariage et l'institution d'un nouveau contrat de mariage qui puisse garantir à la femme une protection contre la répudiation une fois mère de quatre enfants (Cooper 1997:178).

Mais ces revendications resteront lettre-morte, et il faudra attendre 1975 quand, à la faveur de l'année internationale de la femme et de la volonté du régime du président Seyni Kountché de faire participer les femmes à son projet de société, le regard du Conseil Militaire Suprême (CMS) s'est tourné vers la femme. Depuis 1975, en effet, la femme est entrée dans la mode et un vocabulaire nouveau est construit dont elle est le référent : émancipation, promotion, éducation, lutte contre l'excision, contre la discrimination à l'égard des femmes, etc.

Sur le plan interne, le Conseil Militaire Suprême, instance dirigeante du Niger (au pouvoir depuis le 15 avril 1974 et qui a depuis cette date suspendu toute activité associative au Niger), a levé l'interdiction des mouvements associatifs,[4] ce qui permit la création de l'Association des Femmes du Niger (A.F.N.) le 21 septembre 1975 (Dunbar 1991:69-89) qui remplacera l'Union des Femmes du Niger (UFN), morte avec le régime (de Diori) qui l'a enfantée. Cette Association se donnera pour mission de faire évoluer le statut de la femme.

Sur le plan international, la conférence de Mexico de 1975 a élaboré un plan d'action mondial pour la promotion de la femme. Ce plan invitait les gouvernements à « la réalisation de l'égalité dans l'exercice des droits civils, sociaux et politiques comme ceux qui ont trait au mariage, à la nationalité et au commerce » (Sahel hebdo n°22 du 8 mars 1976:27). Les femmes nigériennes ont fait leur ce plan d'action mondial[5] et c'est dans ce contexte que sont nées l'idée et la volonté d'élaboration d'un code de la famille au Niger.

Ainsi, il a été formé une commission spéciale chargée de mener des enquêtes sur les us et coutumes des différentes communautés culturelles du Niger, et de sensibiliser les femmes sur l'idée et la nécessité d'un code (Sahel hebdo spécial du 18-12-1976:45).

Le travail de cette commission n'eut pas un grand succès, car il achoppa sur un désaccord entre l'AFN et l'Association Islamique du Niger (A.I.N) créée le 13 Septembre 1974 et qui représentait l'Islam Officiel.[6] Ce fut le premier choc entre l'islam et la femme dans l'espace public du Niger indépendant.

Ainsi, jusqu'en 1990, malgré quelques réformes, l'Association des femmes du Niger n'a pas pu obtenir un code de la famille, parce que les autorités ne voulaient pas braver le sentiment religieux des populations. Pendant toute la période pré-démocratique, du fait peut-être de la très grande autorité de l'Etat, les femmes et les marabouts sont restés dans les cadres qui leur étaient tracés sans oser franchir les barrières.

C'est la démocratie qui, en libérant la parole et l'action et surtout en montrant l'enjeu que représente l'espace public contribuera à changer l'attitude des femmes et des marabouts. Le vent de démocratisation qui a soufflé sur l'Afrique à partir de cette période va entraîner une floraison d'associations féminines et islamiques plus combattantes et plus averties que les deux vieilles associations (AFN et AIN) jugées trop proches du pouvoir politique. Les associations féminines « laïques » (AFN, RDFN et AFJN)[7] se sont saisies de la question du code de la famille et en ont fait, à l'unanimité, une revendication. Les associations islamiques aussi ont radicalisé leur position vis-à-vis du code quand son projet a été porté à la connaissance du public à partir de janvier 1993, notamment en mobilisant leur aile féminine pour contrecarrer l'action des associations féminines qui militent en faveur du code.

Les partis politiques abordent quant à eux, la question avec prudence pour ne pas d'une part heurter la sensibilité de leur électorat dans un pays à 98,7 pour cent musulman (Anfani n°44 du 1-15 juin 1994:6), d'autre part remettre en cause la « non confessionnalité » de l'Etat proclamée dans la Constitution.

Naissance et évolution d'un Islam militant au Niger

C'est dans les années 1970 que des vagues de Nigériens expulsés d'Arabie Saoudite arrivent dans le pays. Appartenant pour la plupart à l'ethnie kurtey et originaires des régions ouest du Niger, ils s'installent dans les zones rurales sur la frontière entre le Niger et le Mali.[8] Adeptes de la Wahabiyya, ils ont commencé à prêcher le retour à un Islam orthodoxe en critiquant l'attitude des vieux ordres soufis (Qadriya et Tijaniya), au point de susciter la méfiance des gouvernements malien et nigérien. Leurs agissements furent strictement contrôlés, de part et d'autre de la frontière des deux Etats, par les régimes autoritaires de l'époque, ce qui a considérablement freiné l'expansion du mouvement. Les hommes de cette tendance se distinguaient par leurs barbes touffues et les femmes par l'habillement noir en forme de « bourkha ». Ces

wahabites affichèrent un profil bas jusqu'à l'avènement de la démocratie au Niger où ils investissent les associations islamiques. L'avènement de la démocratie a favorisé le développement d'un islam militant et surtout l'appel à l'arbitrage de l'opinion publique.

L'autre facteur important qui a renforcé l'islam, fut l'arrivée massive d'intellectuels arabisant rentrés au bercail après un long séjour d'études dans les pays arabes. En effet, depuis les années 1960, au Niger, les écoles coraniques traditionnelles ont abandonné le terrain aux *médersas* qui formaient des élèves et les envoyaient en études dans les pays arabes avant que l'université islamique de Say n'ouvre ses portes vers 1987. Ces intellectuels, éclipsés par leurs homologues francophones au sein de l'administration et tenus à l'écart par la vielle classe maraboutique qui anime les vieux ordres soufis[9] et donc ne disposant que de la portion congrue dans la distribution du pouvoir auquel donne accès la connaissance, créent des associations ou investissent celles déjà en place, avec un discours plus intellectuel et mieux structuré. La virulence de leur discours peut dépendre de leur background idéologique : ceux formés dans les universités soudanaises semblent être plus radicaux que ceux venus du golfe.[10] Ce sont surtout ces jeunes venus de l'extérieur qui ont développé l'Islam réformiste qui est donc un Islam citadin, alors que les vieux ordres soufis interviennent surtout en campagne.

L'exode rural va d'ailleurs opérer au détriment de ces derniers, puisque les jeunes, arrivés des zones rurales, entreront en contact avec le nouveau courant islamique qui véhicule des idées neuves, de même que les jeunes qui iront en exode au Ghana et surtout au Nigéria entreront en contact avec un autre courant réformiste, la *izala* (de izalatul bidi'a wa iqamat-as sunna : abandonner les innovations et revenir à la voie du prophète), mouvement développé depuis les années 1970 au Nigéria du nord. Ce courant est représenté au Niger par l'association *Addin-islam* subdivisée en deux branches : le *Ihya-as-sunna* de Malam Yahaya et le *Kitab-as-sunna* de Malam Souleymane. L'exode rural sera donc un canal facile pour répandre, à partir des villes, les nouveaux courants islamiques dans les zones rurales.

Des intellectuels musulmans, formés dans les écoles occidentales ont aussi investi les associations islamiques, soit pour assouvir des ambitions personnelles (le discours islamique étant le seul à faire l'unanimité de plus de 98 pour cent de la population) soit simplement, pour développer la solidarité islamique et faire mieux entendre la voie de l'islam dans l'espace public. L'exemple type d'association où militent de hauts cadres de l'Etat, des musulmans formés dans les écoles occidentales, est l'ANASI (Association pour l'appel à la solidarité islamique). Ce sont les activités de ces associations, de même que de celles créées par les femmes elles-mêmes, qui vont favoriser l'entrée de la femme musulmane dans l'espace public.

L'arrivée de la femme musulmane dans l'espace public

C'est pendant le débat sur le code de la famille que les femmes musulmanes ont décidé de sortir de leur réserve pour s'exprimer publiquement sur ce problème qui les concerne à plus d'un titre. Très vite, des divergences sont apparues entre elles et les autres femmes : alors que les « féministes » s'appuient sur les conventions internationales, les femmes musulmanes se fondent sur le Coran et la sunna pour défendre leurs droits. Ces dernières se disent grugées par les hommes qui profitent de leur ignorance. Elles invitent par conséquent les femmes à s'instruire dans leur religion plutôt que d'attendre leur salut de l'Occident considéré comme l' « ennemi traditionnel » de l'islam.

En plus des déclarations publiques et des sorties médiatiques, les femmes musulmanes ont commencé à ouvrir des *makaranta* (écoles coraniques pour les femmes et les filles). L'on a assisté alors à l'apparition d'une classe intellectuelle féminine qui défie les traditions en prêchant à la télévision nationale ; privilège qui n'était accordé auparavant qu'à une minorité de marabouts. Trois figures représentent cette classe intellectuelle féminine. La première est Hajiya Houda, d'origine égyptienne, mariée à un Nigérien et enseignante d'arabe dans un lycée de Niamey. Elle fait preuve d'une très large connaissance des textes ; c'est pourquoi les télévisions privées lui aménagent régulièrement une plage hebdomadaire (le plus souvent les vendredis) pour répondre aux questions des femmes et celles concernant les femmes. La deuxième femme est feue Hajiya Zeinab, Nigérienne ayant grandi au Soudan et revenue au pays dans les années 1990. Sa particularité est qu'elle tenait un discours jugé plutôt virulent contre le comportement des hommes et parlait sans retenue, ce qui lui a valu d'ailleurs des critiques acerbes de la part de la classe maraboutique traditionnelle.[11] La troisième figure, est Hajiya Zahara'ou, la fille du Cheikh de Kiota (un leader régional de la Tijaniya) et de Oumoulkhair (fille d'un des Cheikhs de Kaolack au Sénégal).[12]

La participation de ces femmes dans le débat public, à travers les médias et surtout après qu'elles ont organisé les femmes musulmanes en associations, a permis de sortir la femme musulmane de l'anonymat ; elle a surtout servi à mettre en vue le vrai problème qui entrave l'épanouissement des femmes : l'ignorance. Elles rejoignent d'ailleurs sur ce point leurs soeurs « féministes » dont l'un des combats est en faveur de la scolarisation de la jeune fille. Cette participation des femmes au débat public ne s'explique pas seulement par la démocratisation de la société, elle tire sa source de la tradition prophétique musulmane qui accorde à la femme le droit de participer au débat public selon des normes particulières.[13]

L'histoire de l'espace nigérien offre d'ailleurs l'exemple d'Uthman dan Fodio qui a incité la femme à s'instruire, à se libérer des carcans traditionnels et à occuper l'espace public. Dans ses nombreux prêches, Uthman dan Fodio

a invité les marabouts à instruire les femmes ; il a lui-même donné l'exemple, en instruisant ses propres filles Khadija et surtout Asma'u, faisant d'elles de véritables érudits avant de les commettre à la même tâche.

Les intellectuelles nigériennes, comme tous les autres musulmans, ont donc combattu le code, la CEDEF, le FIMA et toute autre fait susceptible, à leurs yeux, de ternir l'image islamique du pays. Les points sur lesquels leur virulence fut sans égale à l'égard du code par exemple concernent le mariage, la filiation et l'héritage.

Le code ne prévoit que deux manières de dissoudre le mariage : par la mort de l'un des conjoints ou par le divorce légalement prononcé (art 162). La répudiation est interdite ; et en cas de violation de cette disposition, la femme conserve, jusqu'à la décision de justice, tous les droits civils qu'elle tient de la loi et du contrat de mariage sans préjudice des dommages et intérêts (art 163).

C'est surtout dans le cas de l'enfant naturel et de l'enfant adultérin que le code de la famille transgresse les lois islamiques. Voici par exemple ce que disent les articles 238 et 239 de ce code :

- Article 238 : « L'adultère de l'épouse ne suffit pas pour ouvrir l'action en désaveu.
  Lorsque l'enfant est désavoué par le mari de sa mère, il peut être reconnu par son père ».

- Article 239 : « Lorsqu'il n'est pas présumé issu du mari de sa mère, l'enfant peut être reconnu par son père.
  La déclaration de reconnaissance est faite par le père à l'Officier d'état civil conformément aux dispositions du présent code, après la naissance de l'enfant ou dès qu'il est conçu ».

Concernant toujours l'enfant naturel, l'article 272 dispose : « l'enfant naturel a en général les mêmes droits et les mêmes devoirs que l'enfant légitime dans ses rapports avec ses père et mère. Il entre dans la famille de son auteur ». L'Islam, comme on le sait, ne reconnaît pas l'enfant conçu hors mariage.

En matière d'héritage, les rédacteurs du code évoquent les inégalités faites aux femmes par le droit musulman en matière de succession : la fille a la moitié de part là où le garçon a une part entière. Quand elle survit à son mari, la femme a $1/8^e$ de la succession là où l'homme a 1/4. Ce $1/8^e$ est partagé entre les femmes quel que soit leur nombre.[14]

Ce sont certainement ces raisons qui ont amené les rédacteurs du code à préciser que « les successions sont réglées conformément au droit commun (art 519). Toutefois, on peut opter pour le droit musulman (art. 520). Une place égale est faite aux enfants naturels et légitimes. Les enfants et autres

descendants légitimes et/ou naturels reconnus succèdent à leurs père et mère et autres descendants. Ils succèdent par égales portions et par tête quand ils sont tous au premier degré et appelés de leur chef (art. 536).

Par tous ces articles et beaucoup d'autres, les rédacteurs du code de la famille ont fait entorse à la coutume et à la loi musulmanes.[15] C'est pourquoi ce document a soulevé, dès sa sortie, un tollé général. Ce tollé s'explique par le danger que chacun perçoit dans ce code, mais aussi par la force des associations islamiques et l'intervention de l'opinion publique qui dorénavant est appelée à arbitrer des conflits sociaux.

L'arbitrage de l'opinion publique : les femmes et les « Islamistes » dans la rue

Achevé en janvier 1993, le projet de code a été remis à l'Assemblée Nationale pour avis et amendements éventuels.[16] A partir de ce moment, les associations islamiques montent au créneau pour en stigmatiser le caractère « impie » et vouer aux gémonies ses rédacteurs. Mais avant de voir la position de ces associations, voyons ce que visaient le gouvernement et les associations de femmes en initiant ce code.

L'initiative du code de la famille résulte, comme nous l'avons déjà vu, de la confluence de trois facteurs : la volonté du Conseil Militaire Suprême de capitaliser le soutien des femmes, l'Année internationale de la femme et le Plan d'action mondial qui en découla et enfin la lutte des femmes elles-mêmes[17], surtout leurs plaintes récurrentes auprès du chef de l'Etat, Seyni Kountché, plaintes qui avaient essentiellement trait à la répudiation et à la succession. Le président pensait pouvoir résoudre ces problèmes avec un code de la famille. Mais le Président Seyni Kountché était conscient des pesanteurs sociales et religieuses de la société nigérienne. C'est pourquoi, dès sa première rencontre avec les femmes de Niamey, le 4 Septembre 1975, il leur indiqua le rôle qu'il s'attend à les voir jouer, mais les mit en même temps en garde contre « quelques pièges et déviations que ces femmes devraient éviter dans leur marche légitime vers l'émancipation ». Aussi, à l'ouverture du premier Congrès de l'AFN le 23 mai 1977 à Niamey, le chef de l'Etat a précisé ses vues sur les pièges dont il parlait et invitait les femmes à « agir avec tact et méthode ».[18] Il ajouta :

> Car il lui [l'Association des Femmes] faudra aussi vaincre les tabous incalculables de nos coutumes et traditions, les ténèbres de l'obscurantisme ambiant, le carcan rigide du conservatisme villageois. Et la tâche est d'autant plus difficile qu'il vous faudra pourtant, chercher à vous concilier notre passé, ses valeurs historiques et morales, ses exigences incontournables. Toutes choses qui confèrent à la personnalité nigérienne sa propre originalité et sa propre mesure.

Car aller de l'avant, ce n'est pas renier son passé ; ce n'est pas progresser que de se couper des valeurs et réalités sur lesquelles repose tout le patrimoine dont on se réclame.

Vous devez par conséquent, rechercher l'évolution, mais non la mutation. Vous devez préférer l'adaptation lente, progressive et intelligente, à la transplantation brutale et aveugle. Vous devez accepter de vous ouvrir sur les valeurs des autres, mais refuser obstinément toute aliénation et tout irrémédiable envahissement ».[19]

D'après ces propos du chef de l'Etat, il n'était certainement pas dans son intention d'élaborer un code de la famille qui braverait les us et coutumes et surtout la religion. Selon certaines sources, c'est lui-même qui suspendit les travaux de la commission informelle sur le code.[20]

Avec la floraison des associations féminines et islamiques, avant et après la Conférence Nationale Souveraine (1991), les positions se radicalisent et le débat échappe au contrôle des autorités pour se mener sur la place publique où s'affronteront les forces sociales favorables ou non au code.

Pour Soli Abdourahmane, Ministre de la Justice en 1988-89, il s'agissait d'arriver à une synthèse du droit positif et du droit purement coutumier avec en toile de fonds la codification des coutumes, en sorte qu'elles soient accessibles aux magistrats.[21]

Dès le départ donc, la vision officielle était une vision pragmatique et cohérente, en harmonie avec les contextes. Ce sont les associations féministes qui n'ont pas fait preuve de pragmatisme et de modération.

Pour ses promoteurs, le code de la famille servirait à « canaliser tous les problèmes ayant trait à la vie de la famille nigérienne (mariage, divorce, héritage) ».[22] A travers ce code les associations féministes pensaient « combler un vide juridique que certains pays africains ont comblé depuis très longtemps ».[23] Elles estiment par ailleurs que du moment où l'Etat est proclamé laïc par la Constitution, il devrait en découler logiquement « un code laïc ». Certaines femmes pensent aussi que le code s'est largement inspiré des us et coutumes nigériens et de certaines lois religieuses. Du point de vue strictement juridique, les rédacteurs du code affirment que les lois et coutumes ont leurs limites et que tout se fait au détriment de la femme. Ils affirment aussi avoir puisé dans « toutes les sources du droit ».[24]

Les leaders des associations islamiques quant à eux, rejettent le principe même d'un code de la famille qu'ils rejettent, en se basant sur la sourate XXXIII, verset 36 du Coran qui dit : « il n'appartient pas à un croyant, où à une croyante, une fois qu'Allah et son Messager ont décidé d'une chose, d'avoir encore le choix dans leur façon d'agir. Et quiconque désobéit à Allah et à Son Messager s'est égaré, d'un égarement évident ».

Selon ces associations islamiques,[25] qui ont profondément étudié le code à la lumière de l'enseignement coranique, sur les 906 articles, 603 sont contraires à l'Islam. Un des responsables des associations a même déclaré que « le lobby anti-islamique qui avait conçu et rédigé ce texte impie avait peut-être espéré tromper les musulmans du Niger et les entraîner à se suicider ».[26]

Il faut dire que l'aînée des associations islamiques, l'AIN (Association Islamique du Niger), créée le 13 septembre 1974 et représentant l'Islam officiel,[27] a opposé une résistance modérée aux premières tentatives d'élaboration du code, peut-être parce que c'était l'initiative du gouvernement. Cette association, qui représentait aussi les vieux ordres soufis (Qadriya et Tijaniya), a radicalisé sa position dès qu'elle a senti que les associations nées à la faveur de la démocratisation allaient lui ravir la vedette. Alors que dans les années 1970, ses membres avaient participé aux réflexions sur le code, en 1994 son Président (le même qu'en 1974) a déclaré que « ce code n'est rien d'autre qu'une œuvre satanique ».[28]

Les autres associations islamiques, plus radicales et plus combattantes ont fait plus que de simples déclarations. Elles ont décidé de se donner tous les moyens pour empêcher l'adoption de ce code par les institutions compétentes. Dans leurs prêches (et Dieu sait qu'ils sont nombreux), elles appellent à rejeter le code dans son intégralité parce qu'il offense la religion musulmane. Elles se sont organisées en collectif pour être mieux entendues et pour coordonner leurs luttes.

Le collectif a appelé les fidèles à maudire les défenseurs du code après chaque prière collective dans les mosquées. « Nous avons imploré la colère d'Allah sur tous les mécréants par rapport au code de la famille »[29] dira, un jour, le Président de Adin-Islam, Malam Yahaya, au journal Le Républicain.

L'un des aspects importants de cette lutte, est que les associations islamiques ont aussi mobilisé leur aile féminine pour couper l'herbe sous les pieds des défenseurs du code. A travers leur association (Association des femmes musulmanes du Niger créée en 1994), les femmes musulmanes ont, dans de nombreuses sorties médiatiques, dit se conformer aux prescriptions coraniques et ne pas se reconnaître dans ce combat pour un code, combat du reste mené par des femmes urbaines, pour la plupart célibataires, cadres de la haute administration et influencées par le féminisme occidental. Des intellectuels musulmans aussi ont donné leur appréciation du code. Ainsi, l'historien Djibo Hamani, professeur d'université a, dans un article écrit en 1995, dressé un réquisitoire contre toute tentative qui toucherait à « la valeur sociale la plus sacrée et la plus sûre qui soit : la famille ».[30] Dix ans après, un autre auteur, comme pour montrer que la situation n'a pas évolué au niveau des mentalités, a renchéri : « le code de la famille, aussi modéré soit-il, mettrait bien en péril la société telle que la plupart des hommes et une bonne partie des femmes du Niger se la représentaient et la désiraient ».[31]

Ce sont toutes ces raisons qui ont amené les différents gouvernements du Niger à mettre en veilleuse (jusqu'à l'oubli ?), le projet de code de la famille. Même les associations féminines ont, sur cette question, affiché un profil bas depuis que les leaders musulmans ont imploré la colère divine sur les défenseurs du code.

Il faut indiquer qu'en mai 2008, certaines associations des femmes musulmanes ont profité de la session du Conseil islamique du Niger pour demander un code islamique de la famille musulmane[32]. Ceci peut ouvrir la voie à un nouveau débat, plus serein peut-être, et à la rédaction d'un code plus conforme à la société nigérienne.

Un autre champ d'affrontement entre les associations islamiques et les associations de femmes, fut l'adoption de la Convention portant élimination de toutes les formes de discrimination à l'égard des femmes (CEDEF) ainsi que le protocole de la charte africaine des droits de l'homme et des peuples relatif aux droits de la femme adopté par les chefs d'Etat à la conférence de l'Union africaine de Maputo le 11 juillet 2003 (connu sous le nom de protocole de Maputo). Les femmes ont profité du régime autoritaire de la transition militaire pour faire ratifier la CEDEF, en 1999. Mais là aussi, les associations islamiques se sont fait entendre. Des manifestations ont été organisées dans les rues, faisant même des dégâts collatéraux, notamment des prostituées qui ont, par exemple, été prises à partie, parce qu'elles corrompraient les mœurs et empêcheraient ainsi la bénédiction divine de tomber sur le pays.

Quand le styliste Alphadi a décidé d'organiser le Festival International de la Mode Africaine (FIMA) à Niamey en 2000, cet événement donna lieu à une levée de bouclier de la part des associations islamiques qui ont manifesté dans les rues de la capitale, appelant à maudire les « adeptes du Satan, les homosexuels et les filles nues ». Les « barbus », comme les ont appelés certains journaux, ont bravé la police en marchant dans les rues de Niamey et de l'intérieur du pays pour dénoncer l'emprise du Satan sur le pays.

L'Islam, la femme et les nouveaux débats de l'espace public

La lutte des femmes a, dans son ensemble, abouti à quelques résultats palpables qui ont satisfait un camp ou un autre des associations des femmes. Depuis 1988, une loi autorise la contraception. La CEDEF, malgré tout le tollé qu'elle a suscité, a fini par être adoptée (ordonnance n°99-30 du 13 août 1999) par une transition issue d'un coup d'Etat. Les nouvelles autorités de la cinquième République ont adopté la loi 2000-08 du 7 juin 2000 instituant le système de quota dans les fonctions électives, au gouvernement et dans l'administration de l'Etat qui permet aux femmes d'avoir un quota de 10 pour cent dans les postes électifs et 25 pour cent dans les postes de nomination. Ainsi les femmes députés sont aujourd'hui au nombre de 13 sur 113 députés contre 1 sur 83

dans l'ancienne législature (1999-2004). En 2007 un conseil islamique a été créé chargé de régler les questions liées au calendrier festif musulman ainsi qu'un Ministère des Affaires religieuses et de l'action humanitaire.

A l'heure actuelle, c'est le débat sur le Protocole qui continue après deux tentatives infructueuses du gouvernement de le faire adopter par l'Assemblée Nationale. Mise en demeure de choisir « entre les injonctions d'Allah et celles de Tandja »,[33] l'Assemblée a préféré ne pas s'attirer les foudres de la classe maraboutique et rejeter un protocole que le Pape Benoit XVI lui-même aurait désavoué.[34] Une comédienne, Marie-Christine Barrault, qui a visité le Niger dans le cadre de la campagne de la FIDH en faveur du protocole, et qui aurait déclaré « qu'un chien en France a plus des droits qu'une femme au Niger », a ajouté à la colère générale. Le collectif des femmes musulmanes du Niger a, par une déclaration, en mars 2007, stigmatisé le caractère « pervers » du Protocole et le « complot diabolique des forces organisées contre l'islam », tout en félicitant les députés qui l'ont rejeté.[35]

Parallèlement à ces luttes les associations islamiques, notamment les associations des femmes musulmanes, continuent l'action de sensibilisation et de formation des citoyennes et citoyens sur leurs droits et devoirs en islam. Récemment, les femmes musulmanes ont organisé un Forum National des Femmes Musulmanes du Niger (FONAFEM) au cours duquel elles ont parlé des réformes sociales à entreprendre au Niger, notamment en ce qui concerne le gaspillage lors des cérémonies de mariage, baptême et décès. Ce forum a regroupé les femmes du Niger et du Nigéria. Il a aussi été question pour ces femmes, de peaufiner des stratégies pour « garder le mari à la maison ».[36]

Un autre défi pour les femmes et pour l'islam, est constitué par la pauvreté et l'ignorance, surtout de la femme rurale et de la petite fille. Bien que la conception de l'ignorance et des moyens de l'éradiquer diffère entre les « laïcs » et les musulmans, l'on s'accorde à dire qu' « il faut agir » et accompagner l'Etat dans certaines de ses actions.

Conclusion

L'islam et la femme ont beaucoup défrayé la chronique ces deux dernières décennies, davantage à cause des contextes externes et internes qu'à cause de leur dynamique interne propre : mouvement féministe à l'échelle mondiale et divers textes internationaux concernant les femmes ; attentats divers attribués à l'islam ; affaiblissement de l'autorité de l'Etat qui ne peut plus en imposer aux citoyens dans un contexte de démocratisation ; prudence des hommes et partis politiques qui ne veulent pas heurter leur électorat ; manque de tact et de méthode dont ont fait preuve les « féministes » en voulant tout révolutionner d'un seul coup ; force des associations islamiques et, enfin, hostilité sourde mais réelle de l'ensemble de l'opinion publique. L'écrasante

majorité des femmes rurales elles-mêmes, considérait que ce combat n'engage que la frange des « matan zamani » (les femmes modernes) ou « matan bariki » (les femmes de l'administration) qui ne représentent les femmes rurales ni en nombre, ni en morale. Comme l'a fait remarquer Cooper, « the women who have the greatest mobility and visibility within the external public sphere are precisely those non married women whose character and status are most ambiguous ».[37]

D'autre part, cette victoire des associations islamiques conforte celles-ci dans leur mission et leur conviction. Ces associations seront, du reste, de plus en plus importantes et pèseront de plus en plus lourd sur la vie nationale car, comme l'a observé Djibo Hamani « la transformation de la situation nationale dans un sens démocratique amènera de plus en plus l'intrusion du peuple dans le champ politique ... (alors) l'Islam pèsera de plus en plus sur les décisions de nos dirigeants » (Hamani 1994).[38]

Notes

1. En 1992 le débat sur le projet constitutionnel a achoppé sur l'expression « Etat laïc » que les musulmans ont rejetée. Les rédacteurs de la constitution étaient obligés de la remplacer par l'euphémisme « non confessionnel ».

2. Alors qu'en 1990, il n'y avait qu'un seul parti politique : le parti-Etat, un seul syndicat dans l'enseignement et une seule centrale syndicale. Aujourd'hui on compte plus de 40 partis politiques, près de 20 syndicats d'enseignants et 5 centrales syndicales, ce qui a, du reste, affaibli le mouvement syndical global.

3. Parti progressiste nigérien, section du Rassemblement démocratique africain,

4. Par ordonnance n° 75-11 du 13 mars 1975.

5. Voir résolution du premier Congrès de l'AFN sur la politique internationale, Sahel-Hebdo n°80 du lundi 30 mai 1977, p. 17.

6. Elle est chargée de coordonner les activités du pèlerinage, repartir les fonds extérieurs destinés à la construction des mosquées et prendre des dispositions pour l'installation au Niger d'une université islamique pour l'Afrique de l'Ouest, conformément à la décision de l'OCI prise au sommet de Lahore (Inde) en février 1974, voir Sahel-Hebdo n°19 du 16 février 1976.

7. RDFN : Rassemblement démocratique des femmes du Niger ; AFJN : Association des femmes juristes du Niger.

8. Ces informations viennent de Dr Moulaye Hassane, Directeur de MARA (manuscrits arabes et ajami) de l'IRSH (Institut de recherches en sciences humaines).

9. Les jeunes venus des pays arabes reprochent aux anciens d'être illettrés (ne sachant pas bien traduire le Coran faute d'avoir appris l'arabe), de s'enrichir sur la crédulité publique avec des méthodes qui frisent le shirk (fétichisme) : vente d'amulettes, breuvage divers, etc., alors que les anciens reprochent à

ces jeunes de n'avoir pas connu la profondeur religieuse des études (n'ayant pas étudié à la lumière du feu de bois, mais sous des ampoules électriques), d'être des impertinents, etc.

10. Parce que l'enseignement au Soudan était plus libre et à une certaine période tous les courants qui n'étaient pas acceptés en Arabie saoudite se refugiaient au Soudan. Ces informations viennent de Moulaye Hassane, directeur MARA, IRSH.

11. Sa mort dans un accident serait imputable à « l'action » des marabouts qu'elle critiquait.

12. Notons que Mme Oumoulkhair a fini par fonder la Jamiat Nassarat-dine, une association dont le 4e congrès, tenu du 23 au 24 juin 2007 à Kiota, a eu pour thème : « Islam, femme, paix et développement », voir journal As-Salam n°91, de juillet 2007.

13. Selon Hajiya Zahara'ou, au temps du prophète de l'islam, les femmes, constatant que celui-ci réservait beaucoup de temps aux hommes, avaient demandé à ce qu'il leur consacre un jour pour qu'elles puissent lui poser leurs propres problèmes. Il accéda à leur demande. Donc la journée de la femme tire son origine de cette pratique.

14. Weybi (ONG) 1996, Situation juridique de la femme nigérienne p. 15.

15. Voir l'interview de Yahaya Mahamadou, Président de Adin-Islam dans Le Républicain du 2 avril 1998.

16. Madame Ali Mariama, Ministre du développement social, de la Population et de la promotion de la Femme de 1993 à 1994, entretien du mardi 29 mai 2001 au siège du RDFN, Niamey.

17. Les femmes nigériennes ont reçu la visite en 1976 de la princesse iranienne Ashraf Pahlavi qui a présidé le comité consultatif de 23 membres chargé de perfectionner le projet de plan d'action mondial avant de le présenter à Mexico en 1977, voir Sahel-hebdo n°22 du 8 mars 1976, p. 25.

18. Sahel-hebdo n°80 du lundi 30 mai 1977.

19. Président Kountché à l'ouverture du 1er Congrès de l'AFN, voir Sahel-hebdo n°80 du lundi 30 mai 1977, p. 6.

20. DUNBAR (A.R.) op.cit.

21. Voir Soli Abdourahmane, op. cit.

22. Sahel-hebdo n°Spécial du samedi 18 décembre 1976, p. 45.

23. Weybi (ONG) 1994, mensuel d'information et de promotion de la femme nigérienne n°001, p. 15.

24. Anfani n°44, p. 8.

25. Ces associations sont: Association Islamique du Niger (AIN); Association pour le rayonnement de la culture islamique (ARCI); Association nigérienne pour l'Appel à l'Unité et à la solidarité islamique (ANAUSI); Adin-Islam; Association nigerienne pour l'appel à l'unité et à la solidarité islamique (ANASI); Association des étudiants musulmans de l'Université de Niamey (AEMUN).

26. Interview de El-Hamet, op.cit.

27. Dans les années 1980, le gouvernement avait chargé l'Association islamique du Niger de débarrasser l'Islam nigérien de fanatisme et en mars 1984, devant le 4e Congrès de l'Association, un officiel recommandait « action, justice, vigilance », DUNBAR, op.cit.p. 84.

28. Weybi, 1994, Spécial code de la famille n°001, p.13.

29. Malam Yahaya Mahamadou, dans le Républicain du 2 avril 1998, p. 5.

30. Hamani D., 1995, « Politique nationale: de la nécessité et de l'urgence d'un changement de cap », dans Sahel Dimanche n°616 du 24 mars 1995, p. 9.

31. Abdourahamane Idrissa, « Modèle islamique et modèle occidental : le conflit des élites au Niger » in Gomez-Perez (éd.) 2005, L'islam politique au sud du Sahara, Karthala, p. 363.

32. Hajiya Zahara'ou dans As-Salam n°106 de mai 2008, p. 6.

33. As-Salam n°88 du 11mai 2007, p. 5.

34. Voir As-Salam, n°91 de juillet 2007. Le Pape aurait dit : « on tente de banaliser subrepticement l'avortement par le Protocole de Maputo, ainsi que le Plan d'action adopté par les Ministres à Maputo ».

35. As-Salam n°84 de mars 2007, p.4.

36. Voir As-Salam n°112 de Août 2008.

37. Cooper B., 1997, Marriage in Maradi, op.cit.p. 176.

38. Hamani D., 1994, « L'islamisation de l'espace nigérien » dans L'Avenir, n°04 du 27 décembre 1994, p. 8.

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Mozambique: The Rise of a Micro Dual State[1]

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and
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Abstract

The decade from 1990 to 2000 was a period of sustained political activity in Africa, leading towards democratisation. Under this scope, Mozambique is widely seen as one paradigmatic success story. Yet, the country's multiparty democratic system remains challenged by a strong authoritarianism that hampers open deliberation in political public discourse.

This paper discusses some reasons for this democratic hold-up in Mozambique's political and social transition within the broad and ongoing democratisation process in Sub-Saharan Africa. With an emphasis on the analysis of the political situation in the northern town of Angoche, this article argues that the persistence of central government authoritarianism is a reminder of a political liberalisation without democratising the political systems. Indeed, local municipal officials are now elected and receive revenue transfers, but remain limited by other measures.[2] The central state successfully resists attempts to devolve broader decision-making authority to municipalities.

Far from the ideal Weberian type of state bureaucracy, public administration is highly politicised in the sense that the building up of the administrative capacities of the state are seen as a way of consolidating the political leverage of the ruling party – Frelimo. The paper defends, however, that indeed, a detailed analysis of the public political actions at local level, between distinct political structures, shows that successive authoritarian regimes have not totally erased the freedom of speech and thought, even if they have relegated opposition to ever more marginal spaces.

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Résumé

La décennie 1990/2000 a été caractérisée en Afrique par une activité politique soutenue orientée vers la démocratisation. Dans ce cadre, le Mozambique est plutôt vu comme une réussite paradigmatique. Or, ce système démocratique de multipartisme continue à afficher des velléités d'un fort autoritarisme peu propice au relèvement du niveau de la réflexion dans le discours politique public.

Cette étude s'interesse aux raisons de ce blocage démocratique du processus de transition politique et social au Mozambique dans le cadre plus général du processus de démocratisation en cours en Afrique au sud du Sahara. En s'appuyant en particulier sur l'analyse de la situation politique de la ville d'Angoche, située au nord du pays, l'étude estime que le fait que le gouvernement central persiste dans l'autoritarisme est assez révélateur d'une libéralisation politique non suivie de la démocratisation des systèmes politiques. En effet, si les fonctionnaires municipaux locaux sont maintenant élus et reçoivent des fonds de transfert, ils restent, en revanche, limités par d'autres mesures.[2] Le gouvernement central résiste avec succès à toute tentative d'élargir le mandat des municipalités en matière de prise de décision.

Loin du modèle idéal wébérien de bureaucratie d'Etat, l'administration publique est fortement politicisée, en ce sens que le renforcement des capacités administratives de l'Etat est perçue comme un moyen de renforcer l'influence politique du parti au pouvoir – Frelimo. L'étude défend le fait qu'une analyse exhaustive des actions politiques publiques au niveau local, entre des structures politiques bien distinctes, montre que les régimes autoritaires successifs n'ont pas totalement supprimé la liberté d'expression et de pensée même s'ils ont repoussé l'opposition encore plus loin dans les espaces marginaux.

Introduction

Our previous research on the specifics of the Mozambique state led us to define it as being composed of a very heterogeneous set of institutions in which different political and legal cultures, practices and institutions coexist with little overall coherence (Santos, Trindade and Meneses 2006).[3] This heterogeneity can be traced to the colonial past (until 1975), the peripheral position of the country in the modern world system and the vulnerability it creates to foreign impositions, the regional cultural and religious influences, some of them dating back to the pre-colonial period, and the political and ideological changes that came with the independence. This diversity of political and legal cultures operates in conditions in which the state (and the central Government) lacks the capacity or the political will to arbitrate their relative influence. It translates itself in a complex form of legal pluralism

filled with spontaneous development and kept alive by social demand and creativity. The coexistence of different institutions and different philosophies with similar competences does not necessarily lead to conflicts among them; rather, their differences may be an asset to be capitalised by the Mozambicans.

As a result of our research, we have reached several conclusions:

•   The first conclusion is that the Mozambican state is a heterogeneous state whose political form consists of lawyers of different political cultures: colonial state, socialist, liberal capitalist, African traditional and Islamic cultures which coexist in complex ways, giving rise to the hybrid forms of political rule and practices. The binaries usually invoked to characterise politics in Africa as modern/traditional, western/non-western, democratic/authoritarian, official/non-official are too narrow to embrace the complex and hybrid forms in place which are differently located in a continuum between the polar binary positions.

•   The second conclusion is that very far from the Weberian ideal type of state bureaucracy, public administration is highly politicised in the sense that the building up of the administrative capacities of the state are seen as a way of consolidating the political leverage of the ruling party, Frelimo.[4] This top-down conception is consistent with a bottom-up view, the view of the people for whom the administration structures are Frelimo structures.
Taken together, these two conclusions show that democratic institutions – be they the multi-party system, the formal independence of the judiciary, or the process of decentralisation – coexist with a single party political structure both as a practice and as a social representation shared by public officials and the population alike.

•   Our third conclusion is that, at the base, in a broad contact zone between the state and society/community, a vast range of dispute resolution mechanisms operate such as: community courts, traditional authorities, healers,[5] neighbourhood secretaries, religious leaders, local administrative leaders, as well as other components of the civil society, mainly represented by non-governmental organisations (NGOs). They operate as loose network. They co-exist either in parallel or in complex interactions, such as when a given conflict is divided up in different issues or sub-conflicts, some of them to be dealt with by one of the institutions and others by others, or when one institution functions as an instance of appeal for dispute non-satisfactorily settled by another institution, or still when one institution is called upon to help (evaluating or providing evidence, for instance) in the decision of case submitted to another institution.

Between 2003 and 2008, and for the first time in Mozambique, an opposition party – Renamo – took the control of five municipalities in Mozambique, one of which was Angoche, a small city in coastal northern Mozambique (Nampula Province).

The case study of Angoche provides the basis for this study. Angoche represents a challenge to the exercise of central authority and to local democratisation. The mode of operating of the heterogeneous state is transformed when another rival political force takes over the power to rule the municipality.

As we will seek to demonstrate in this paper, the complex landscape of political and judicial structures and practices changes dramatically when the level of political contestation rises above a stabilised level or when global external factors combine with internal factors to change the pattern of dispute resolution. When this occurs, the network is segmented and the choices for floor shopping may decrease even when the numbers of dispute resolution institutions increases. Moreover, the parallel or cooperative coexistence among different dispute resolution institutions is replaced by a competitive coexistence which in the end aims at eliminating coexistence altogether and at replacing it by rival single sets of institutions each one affiliated with a specific party.

One of the significant impacts upon the heterogeneous state is its transformation – to a certain extent – into a dual state, a Renamo state and a Frelimo state, co-existing side by side. As a result, the politicisation of public administration, which is typical of the heterogeneous state, escalates to a new level, a hyper-politicised level.

The first part of the article links an analysis of the current process of reform at the local level with a re-examination of the history of the power struggles in northern Mozambique, stressing the specificity of the urban settings. The overview of the colonial system provides the necessary contextualisation for an analysis of the transition to independence, when the city was 'taken over' by Frelimo and the urban management system was transformed in order to 'fit' the image of the 'new society' to be built as 'free from the remnants of the past traditions' (Machel 1985:105-106). This section of the text also includes an analysis of the political impact of Islam in northern Mozambique, with a strong emphasis on Angoche modern history.

The second section of this paper seeks to broaden the theoretical discussion on the very nature of the Mozambican state. The 'new' policies of decentralisation in Mozambique are privileged stages to analyse the power struggles over their control by different political forces – mainly Frelimo and Renamo. Our data suggest that the process of political decentralisation in Mozambique has been largely controlled by the central government, with a

strong hold over political and financial processes. In the few municipalities where Renamo won the elections, Renamo behaved, again, as a mirror-image of Frelimo; that is, as a single party local system, therefore blocking the way to a truly democratising process of the Mozambican society.

In sum Angoche was chosen for two main reasons: the strong political presence of Renamo, the main opposition party to Frelimo, and the equal strong presence of Islam in its multiple versions.

Much of the literature on local affairs in Africa tends to be centred on political struggles, disputing power in large urban centers. Therefore, the most remote and less urbanised municipalities are seen as symbols of backwardness in areas where other 'unspoiled' authentic forms of the 'tradition' have been in practice for centuries. The assumption is that the efficacy of the 'tradition' rests upon the moral legitimacy of the codes shared by the ethnic group; the same researchers tend also to assume that people resort to these forms of administration in the absence of modern Western systems of governance (Grest 1995; West and Kloeck-Jenson 1998).

The field data discussed in this paper refer mainly to the period between 1995 and 2006. Field research has been supplemented by official government documents and publications, press reports and related studies on this area, including documents and studies on economic and human development in the country. The major sources of information, however, are interviews and direct observations of multiple instances and actors involved in the decentralisation process both at the central level and in Angoche – Nampula province, such as staff of the Ministry of state Administration, administration officials and staff, the mayor and municipal staff, community judges, community political and religious leaders, etc. Interviews were semi-structured and interactive.

The Historical Context

Colonialism and Space Ordering in Urban Mozambique

The modern Portuguese colonial administration had been present in Mozambique since the end of the nineteenth century. Colonialism introduced a 'modern' system of urban government – villages and cities had the status of municipalities, with a specific system of local government. This system of local government – highly centralised and independent of the metropole – was very discriminatory as it was mostly found in urban areas where the Portuguese settlers lived. The 'African administration' existed at the level of district and had far fewer resources at its disposal to provide services for the bulk of the African population living in suburban areas (caniço neighbourhoods) in very precarious conditions.[6]

As several colonial officials have described (Rita-Ferreira 1967-1968; Mello Machado 1970), the African neighbourhoods were ruled by local *régulos*.[7] These traditional authorities (and the norms they would apply) were a colonial construction, produced along the contact zone between colonial administration and 'local' African authorities (Santos and Meneses 2006). In urban contexts the procedures, rules, and fines they administer were established through a negotiation between the Portuguese colonial authorities and these new 'native' authorities, in order to overcome the potential anarchy. *Régulos* consider their own authority to collect taxes, to govern the territory under their control, which included settling disputes, sometimes even backed by the civil, police and military authorities (Meneses *et al.* 2003). They did not articulate a sense of 'customary' as something distinctive, autochthonous, locally derived, or essential to local identity.

In the early 1960s, the beginning of the nationalist armed struggle in Mozambique forced a revision of several aspects of the Portuguese colonial policy. Among the various political measures, the *Estatuto do Indigenato* was revoked,[8] theoretically giving Africans the full rights of Portuguese citizenship (Meneses 2007:13-15). The colonies were also re-labelled 'overseas provinces' and formally given more autonomy. This make-up of political decentralisation in the last phase of colonial rule sought to accord greater authority to organs of colonial administration. However, the centralised nature of decision making at local level remained a dominant feature of the system. Similarly, the segregationist policy of 'cement city' for the colons and the neighbourhoods for the Africans changed more in appearance than in practice. Indeed, the *Câmara Municipal* remained the administrative institution of the 'cement city', while *de facto* African neighbourhoods were ruled by *régulos* and the district Administration. The strict enforcement of municipal building standard by-laws ensured that there were very few African property owners in the cement part of the city with a property register.[9] It should also be mentioned that supporting services (current water, sewage, etc.) that required specific technical competence of the urban services, were virtually non-existent outside the cement part of the cities, although efforts to upgrade this situation were undertaken in the late colonial period, as part of a tardy and ineffective strategy on the part of the colonial administration to defy the call for self-determination and independence. But probably the most striking characteristic of these urban settings was a total absence of any firmly rooted tradition of democratic citizen participation in local urban government.

Independent Mozambique

In 1975, Frelimo, the leading nationalist movement took over the power from Portugal. Frelimo was very conscious of the reality it inherited, characterised by poverty, inequality, and no political experience other than colonial authoritarian rule. Seeking to break away from it, Frelimo aimed at imposing a 'new' alternative administration system, imported from the liberated zones. All activities considered to cause internal divisions based on cultural factors – such as religion, ethnic, urban identity – were considered a threat to Frelimo's unity policy to 'build the nation'.[10]

The conflation of economic and political self-determination resulted in a systematic underestimation of the importance of local political institutions, both in rural and urban contexts (O'Laughlin 2000; Francisco 2003). Worse, the cities and towns were viewed as the privileged locus of colonial capitalism (Machel 1985). Frelimo's misreading of its African social basis prevented it from imagining how indigenous experiences might act as bases for social transformation within an evolving national political-economic context. It also generated authoritarianism and operational incompetence, both in planning and in carrying out state policies.

As a result, the political and administrative system became heavily centralised: everything was planned and decided at the centre of political power, in Maputo.[11] But because the party-state ought to organise the participation of all the citizens to overcome the country problems, a strong emphasis was placed on the restructuring of 'alternative' forms of people's administration. At local level (neighbourhoods and working places), *Grupos Dinamizadores* – a new structure – became the link between the Frelimo and the state. Simultaneously, inherited forms of local government power were abolished: the municipalities,[12] as well as the traditional and religious authorities (mostly in rural contexts),[13] as part of a project to radically reform local government.

In 1977, after transforming itself into a vanguard party (Brito 1988), Frelimo introduced a more formal hierarchy of party cells and circles, each headed by a secretary. As a truly single party-state, the broad mass of the population was to be incorporated into the political process through mass democratic organisations under the control and tutelage of the party.

Frelimo's endeavours to build new local institutions were authoritarian from the very beginning; without minimising the importance of outside forces in shaping the civil war that ravaged the country for more than a decade, the growing alienation of Mozambicans towards Frelimo's ineffective policies and loss of legitimacy inflamed the civil war in the country.[14] The rapid deterioration of the economy, the destruction of infrastructures and of the

public administration by the war, the lack of economic, administrative and technical capacity, increasing poverty and extensive migration and displacement of the population made an economic rehabilitation programme a central issue by mid-1980s.

The National and the Local in the Process of Democratisation

The quest for democratisation emerged in Mozambique as a process of improving the state competence, making it more accountable and responsive to local needs, while granting more autonomy to local organs. This position coincides with a shift towards a more liberalised polity and economy in the country. After Mozambique joined the Bretton Wood institutions, by mid-1980s, the quest for downsizing the presence of the state, as part of the process of political decentralisation, became a crucial political element, similar to other situations in the continent (Abrahamsson and Nilsson 1997; Manor 1999; Santos 2006). Simultaneously, a new constitution (1990) established the freedoms of religion and political expression, emphasising civic participation in local development and in deepening democracy.[15]

In the context of the modern nation-state, multiparty elections are often the epitome of democracy. Accordingly, great emphasis was placed upon the successful staging of the first national elections in Mozambique. In the words of Weimer:

> Peace in Mozambique first and foremost means that the political conflict fought out between Frelimo and Renamo in a bloody war has been civilised in the sense that both its theatre and instruments have changed: from the bush to the parliament and from weapons to words, respectively (1996:43-44).

Above all, the elections were perceived as a means of ending the civil war and of rationalising political contestation, by making contestants (and their political projects) directly accountable to Mozambicans.

In 1997, the first municipal elections took place in 33 cities and towns;[16] a few years later, the government built up a legal structure to incorporate 'community authorities' (that is, civil leaders, including traditional authorities'), into the process of local governance. All of these measures were endorsed by Western donor states and several international organisations, for which Mozambique is portrayed as a 'success story' of implementation of national policies towards the enhancement of peace, stability and economic growth (Lundin 2000; Carbone 2005; OECD 2005; World Bank 2005).

Angoche, Northern Mozambique

The population of Angoche is of about ninety thousand people, with an overwhelming majority of Muslims.[17] Angoche belongs to the large area of northern Mozambique with a predominantly makhwa population, a society that

maintains, albeit in a constantly changing form, a culture in which chiefs, land and ancestors are still important (Newitt 1972a). Furthermore, since the height of the slave trade, Islam has become the main religion of the coastal areas, co-existing with older beliefs about land and ancestry (Bonate 2007). Angocheans have agricultural fields outside the city and are also involved in fishing to a great extent.[18] Trade, crafts and industry are in decay, as a result of the civil war and IMF and World Bank economic policies, these latter directed at the production of cashew nuts. Only after 2004 was the cashew production re-taken in the district.[19]

Until the beginning of the twentieth century, the north of the former Portuguese colony of Mozambique was in fact ruled by a group of Muslim (Swahili) *shaykhs* and sultans whose power derived from slave trade which flourished in this region from mid-nineteenth century (Newitt 1972b; Capela 2002). Throughout the nineteenth century, these sultanates and sheikdoms acted in relative autonomy.[20] The fictitious rule by the Portuguese was based in a politics of survival that consisted in incorporating the Swahili rulers in the colonial administration, the *administração de terras firmes*.[21] Receiving a salary and an army commission, the sultan and *shaykh* were theoretically part of the Portuguese administration, serving on behalf of the Portuguese crown. In fact, this was a fiction, a game that both parts played in view of the mutual advantages they got from their collaboration. For instance, while the Portuguese paid the sultans a salary, they regarded it as a tribute for Portuguese sufferance (Hafkin 1973:xii; Santos e Meneses 2006). They performed duties as vassals only when it furthered their self interest. As a result, until the end of the nineteenth century, the Portuguese inhabitants of northern coastal Mozambique (the *moradores*)[22] were deeply entangled in local politics dominated by Africans (Pélissier 2000, vol. 1: 133, 159-164). All this started to change at the end of the nineteenth century with the Berlin Conference and the need for the Portuguese to substitute historical claims for effective occupation as a basis for their colonial rule. This fact, together with the fall of slave trade, brought to an end the prominence of the Swahili city-states in Mozambique. The Portuguese finally took control of Angoche in 1910 (Bonate 2003:118).

Islam, the Customary and Colonialism

Angoche, as all northern coastal area of Mozambique, has a strong Muslim presence, embedded in the core of local chieftainships (Bonate 2006). Around the city, bordering with the district, there are scattered settlements, whose key figure is the *mwénè*. The title of *mwénè* is attributed to the chief, a person with recognised wisdom and support beyond his traditional area of influence.[23]

In the past, the city was ruled by the *Anhyapako*.[24] Today, they remain influential in the region (especially in Inguri, a neighbourhood of Angoche), and the word 'a*nhyapako*' is still used to define the 'old rulers'. As said above, by the mid-nineteenth century, Angoche Sultanate turned into an important destination for slave traders from the interior of the continent, and the *Anhyapakho* were able to build up a web of alliances through conquest and kinship relations all over the region that allowed them to raid and access mainlanders for enslavement (Hafkin 1973:145-147, 344). The military actions undertaken by the Shirazi ruling elite of Angoche contributed to the greater expansion of Islam, by the build-up of a web of allies through kinship relations. This new identity was primarily extended to the ruling elite – the web of paramount chiefs of the mainland – whose power and authority, like that of the Swahili, rested above all on the premise that they were lords of the lands and on their identity as Muslim rulers. As a result, Islam became no longer associated only with coastal Shirazi Swahilis, but became an inclusive a broader faith of all Muslims, now identified as the *Maca.*[25]

However, in Mozambique, as elsewhere, the diversity of the manifestations of identification with Islam is very visible since the nineteenth century. This period coincides with a combination of sociopolitical factors which made possible the rise of new groups competing among themselves '*over interpretation of the symbols and the control of the institutions*' (Eickelman and Piscatori 2004:5). Around that time several Sufi orders made headway in coastal northern Mozambique. Their arrival coincided with an increasing presence of colonial administration, with the Muslim chiefs leading the resistance against the Portuguese (Pinto de Carvalho 1988; Bonate 2007a:135-142).

As illustrated by Bonate (2006:143-144), the integration of African chiefs into the colonial system of *Indigenato* and the modernisation processes which took place between the 1930s and 1970s did not halt the expansion of Islam in northern Mozambique. However, the colonial intervention, by fixing the dynamics of local power struggles, maintained the legitimacy of 'African chiefs' – now as 'traditional authorities' – throughout the twentieth century, using them to control local populations (West and Kloeck-Jenson 1998:473-476; Meneses 2007:16-18).

With the emergence of the struggle for national liberation in the early 1960s, most of the Muslim leaders of northern Mozambique supported the nationalist struggle. This was due not only to the impact of the anti-Muslim policies of Portugal, but also due to the strong influence of the wide Muslim network in East Africa, supporting the independences (Bonate 2007b). In response, the Portuguese brutally repressed the chiefs supporting Frelimo. The colonial administration was concerned with the nationalist movements and identified Muslim *xehes*[26] and Sufi Orders as representing a religious

leadership for the majority of northern Mozambique (Amaro Monteiro 1993:303-311; Bonate 2007b:56). Not only did the Portuguese administration give public support to Sufi rather than to the *Wahhabi* group that began emerging in the 1960s; they also reconsidered several aspects of their colonial policy.

In the second half of the 1960s, the situation in Angoche in fact improved, with, for example, the (re)construction, of the 'new Inguri', an African neighbourhood geometrically organised and with high-quality buildings.[27] This process went together with an increasing support to loyal *régulos*, especially in northern Mozambique, where the pressure of the war of liberation was on the rise. Colonial administration even built houses and administrative offices for the *régulos* in the two major African neighbourhoods of Angoche – Inguri and Puli.[28] As reported by one of the *régulos*, '*back then we were very much loved by the Administrator'*.

Frelimo: Transformations and Continuities

With independence, Angoche, which had been for some decades an important centre of cashewnut production and processing, was ruled by Frelimo, as any other city in the country. Also, Frelimo set out new structures of state and party. Since the *Câmaras* had been abolished in 1978, the municipal council[29] was given the task to reorganise the administrative structure of the city.

Frelimo leadership envisaged a united and modern nation-state where there was no place for social and cultural difference. Since 'Frelimo came and removed us [*régulos*] from our houses and took away our authority',[30] new administrative, executive and judiciary structures were introduced. In Angoche, as elsewhere, the large African neighbourhoods were reorganised, and transformed into communal neighbourhoods, now directed by the local secretary of the *Grupo Dinamizador*. The neighbourhoods were divided into smaller units – *quarteirões* – headed by a chief.[31] This new structure sought to transform the life of the 'new' Mozambican citizen. For example, and as we will discuss further, the girl's rituals of initiation, considered by Frelimo a symbol of obscurantism – were transformed into a new tradition – 'the *paramparas'*, to be carried out under the auspices of Frelimo. For that, a person had to apply to the neighbourhood secretary for permission, which included the payment of a fee.

Besides being removed from the cultural sphere, religious groups faced official condemnation, as religion was identified as an element of obscurantist colonial culture. With this, the traditional authorities in Angoche lost another support of their power, that of Islam.

The multiple cultural encounters have produced a complex palimpsest of normative processes, generating a modern legal landscape crossed over by

multiple juridical traditions, including African indigenous and Islamic legal cultures. As a result, the majority of the population of Angoche was never under the monopoly of state law. With independence, the traditional and religious authorities (*régulos, xehes*, etc.), which up until then had performed an important role as a dispute resolution institutions, (besides the usual colonial assignment: control of population, land and labour management) were prohibited. As a solution, Frelimo sought to institute a popular court in Johar, a neighbourhood of Angoche. With civil war, the popular court was transferred to Parapato, at the very city centre. With the changes brought about by the 1990 Constitution, it was renamed a community court, but continued to operate in very much the same way and with the same lay judges.[32]

Although these judges were supposed to be formally elected, Frelimo's trust was the fundamental requisite: 'I was chosen and not elected to the court, because I was a person Frelimo trusted'.[33] A presiding judge of the main community court of Angoche confided: 'I was chosen [to be a judge] at my neighbourhood because I was a party delegate. It was the party [Frelimo] that chose me for this place'.[34] Indeed, several negative criteria barred a large proportion of the people from Angoche from being active, participating citizens: traditional chiefs and their subordinates, religious leaders, polygamists, etc., were to be excluded. As a result, these official positions became part and parcel of local struggles over state patronage, access to goods and to authority between youth and elders and among lineage leaders (Geffray 1991; Alexander 1997).

Angoche was never taken by Renamo during the civil war, but endured a severe siege. The tremendous economic and military pressures the city faced led to an increase divide among the population, with Renamo controlling very much of the district, including the suburban areas of Angoche. At the end of the war Renamo was perceived as the responsible for some of reversals of Frelimo's policies, such as those toward the church and the traditional authorities. As a result, with the end of the war and the economic crisis that followed,[35] Angocheans increasingly felt 'abandoned by the state [central government], there was nothing to live here with',[36] resulting in a significant increase in the number of Renamo adepts. In parallel, the cases of corruption by state officials and staff were evident and ever-present. By mid-2003, several cases were still fresh in people's memory, concerning corruption involving community court judges and secretaries.[37] Seeking to explain the corruption in the city, people would refer to the harsh economic situation, exclaiming 'bribery is food in our city'![38]

Democratic Decentralisation and the Rise of Dual State in Angoche
During the negotiations that led to the General Peace Agreement of 1992, power sharing and pluralism was envisaged even at the local level (Braathen

and Jørgensen 1998:31), although this was not contemplated in the Peace Agreement. In fact, in parallel with the multiparty-national elections, other political reforms were shaping a broader process of democratisation. Just prior to the first multi-party national elections (1994), the still single-party Parliament approved the Municipalities Law,[39] providing for the (re)introduction of municipalities with greater executive power (to be elected on a local basis). A couple of years later, in 1997, two new laws were passed, creating the legal and institutional framework for the municipalities.[40] These laws created the basis for devolution to democratically-elected local governments in thirty-three large cities and towns in the country (Hanlon 1997; Alves and Cossa 1998). As a result, most of the rural population was excluded from local democracy, as Frelimo's government continued to appoint local officials, from district administrators down to neighbourhood secretaries and community police. In 2003, during one of the interviews, the very own secretary of Angoche-sede neighbourhood justified his position by saying 'I was chosen by the population, under the Frelimo's orientation', a statement quite similar to the one made by the secretary of Cerema neighbourhood.

Another problematic area was related to the role to be given, in this new context, to traditional authorities, since this political figure remained omnipresent (Alexandre 1997; Lundin 1998; West and Kloeck-Jenson 1998; Meneses *et al.* 2003). If Renamo (and other opposition parties) demanded the immediate and unconditional recognition of customary institutions as authentic representatives of Mozambican cultural identity, Frelimo was more cautious in meeting formally with customary authorities and negotiating their integration in the governance system. By recognising the hereditary privileges and pluralist notions of law the customary authority symbolised both a return to the past in terms of an unscientific world of the 'tradition' and negation of modern unitary (West and Kloeck-Jenson 1998; Meneses 2007). Realising their social importance, Frelimo opted to reinstate traditional authorities.[41] From 1991 to 1997, the government commissioned a broad research on this subject.[42] The goal of the research was to identify 'truly' traditional authorities that had not been tainted by colonial and current party politics (Lundin 1998); in parallel, the government sought to acquire sound information upon which to develop a legal framework for articulating both the activities of traditional authorities within the broader state structure. As depoliticised spheres of personal trust and community-based networks, traditional authorities emerged in this project as homogeneous groups, representing 'the whole community, beyond political differences, embodying the will of all the people, and not excluding anybody' (Cuahela 1996:11). After a turbulent period of discussion, in 2000, the Mozambican government passed a Decree that recognised the

diversity of authorities present at local levels. Although the Mozambican state has claimed a radical cut from the colonial past, this Decree clearly assumed a depoliticised and timeless idea of the African community and traditional authority, described now as 'community authorities'.[43]

The picture that slowly emerged was that municipal elections – as the expression of local democracy – would take place in the thirty-three municipalities, while the other forms of 'authority' were to be legitimised and recognised by the state in rural settings.

The first municipal elections were scheduled to take place in 1998. Because people in Angoche, as elsewhere in the country, had experienced authority derived from the state (in whose voice local officials spoke), the anxieties and confusions were significant. The role of traditional authorities remained outside the political ballot, as several other questions Renamo had fought for. For example, at the time, one of the strategies of Renamo was to lobby against the payment of urban taxes, arguing that taxes should be abolished because people were poor. This was done in order to boycott the local elections; at the same time, Renamo and many other smaller opposition parties toured the country with an anti-election campaign, trying to convince the people to avoid the electoral act.[44] Local people feared that the instability created with the elections campaign could lead to violence, sparking fears of the repoliticisation of the state. The attitude towards the elections was of total demobilisation. As a result, the elections were won by Frelimo's candidate, who obtained 75 per cent of the votes, with a turnout of only of 35 per cent.

What remains important, but is frequently less discussed, are the attitudes towards reform held by those whom decentralisation affects. Here, we focus on the implications of the election of Renamo's mayor in Angoche, and the role and attitudes displayed by other local political actors.

Implications of Decentralisation – Renamo's Victory in 2003

The second municipal elections provided Angocheans the opportunity to choose those who would govern them at the most proximate level. Many Angocheans were displeased with the Frelimo appointees who had long governed them. Several scholars writing about the power logics in the continent have called the attention to the importance of redistribution of wealth (Bledsoe 1980; Vansina 1990; Feliciano 1998). Likewise, power in Angoche has been measured in terms of one's capacity to attract and sustain subordinates. Rulers that abuse subordinates or who failed to create a mutually beneficial environment, in which they might live, face the possibility of not being voted for. The Frelimo mayor deceived the Angocheans, particularly after the enormous economic crisis the city went through. 'Unemployement is the worst ever. Our children finished high school and can't find a job...'

sadly remarked a Shaykh in Angoche;[45] and the comments about the personal misconduct of the mayor, in terms of personal favours and corruption, were widely discussed in the city.[46]

The victory of Renamo in Angoche in the 2003 municipal elections brought into light a new dimension to the over-politicised nature of public administration with a decisive impact on the rich legal pluralism identified in our previous work.

After the municipal elections of 1998, Angoche was divided into five administrative units (*Unidades Autárquicas*): Parapato, Inguri, Johar, Cerema and Mussoriri.[47] In the early 2000, the municipality, controlled by Frelimo, decided to create Justice Commissions in the different administrative units. Later on, these commissions – organised and driven by the District and Municipal administration – were transformed into community courts, supervised by the Ministry of Justice.[48] Therefore, since 2002, there were five community courts in operation.

As it happened in the rest of the country, the base or grassroots level public administration was formed by the *Grupos Dinamizadores*, a Frelimo political structure.

With the political changes introduced by the 1990 Constitution, namely the introduction of multipartidarism, the *Grupos Dinamizadores* formally disappeared but indeed continued to exist under the name of the neighbourhood secretaries, exercising basically the same functions as those of the *Grupos Dinamizadores*. As Orlando Abuque explained, 'the changes occurred with Decree 15/2000, and in the place of the secretary of Grupo Dinamizador, now we have a neighbourhood secretary'.[49]

Angoche was hard hit by the civil war and after the peace agreement the tensions between Frelimo and Renamo were still very much present. Probably more than in other regions of the country, the community courts were identified with the Frelimo while the traditional authorities were identified with the Renamo.[50] The suspicions derived from the fact that the community courts had been recently created with support of a municipality run by Frelimo. But the roots of the problem laid in the memory of the Angocheans; the judges had been selected in open assemblies in the neighbourhoods, under proposal of old popular court judges and the Municipality.[51] Renamo played on this process. During the electoral campaign, Renamo supporters would comment 'those people from community courts do not know what justice is, they are all selected by the Grupos Dinamizadores. For us justice is done within the community, with the support of the *régulos*'.[52] In spite of the tensions thus created, these base level institutions operated in conjunction, building a network that gave the people some choice in the selection of the best suited mechanism to settle a given conflict.

When, in 2003, the Renamo won the municipal elections, all this started to change dramatically. Right after the elections, the old representatives of the administrative units[53] were removed, replaced by new ones chosen by the new mayor (president of the Municipal Council). But the structure hierarchically below the director of these units were the secretaries, most of which 'has been formed by the Party [Frelimo] and that are working with the municipality, as part of the government. We always worked with them'. [54]

The first conflict emerged in the relations between central government, represented by the district administration and the municipal government. A good illustration was the withdrawal, from the neighbourhoods, of the INASS – the National Institute of Social Services – that distributes pensions and other social benefits.

Frelimo's enforced neighbourhood administrative structure was not supported by the state, or by the municipality. As a means to partially resolve this situation, the INASS agreed to financially support several people – most of them neighbourhood secretaries – in return for acting as mobilising agents for their social activities.[55] As expressed by several of the secretaries interviewed, they would 'work for free as *permanentes*',[56] although they were perceived as 'working for the state'. From this agreement, made with the previous municipal government, the representative of INASS could use the premises of the administrative unit in the different neighbourhood to deliver the cash payments.

With the change of the political colours in the municipality, the INASS – dependent on the central government – remained an important asset for Frelimo's functioning in the neighbourhoods, becoming a channel for political influence.[57] INASS permanents would primordially provide for those elders who would vote for Frelimo: 'INASS belongs to Frelimo; they charge for those cards to get the alimony, so that they would vote for Frelimo. They are deceiving the elders'.[58] But the new mayor demanded broader power over the *permanentes* collaborating with the INASS, seeking to replace them with his own (Renamo) people.[59] In parallel, the director of the administrative unit of Inguri complained vehemently in a letter, expressing in writing protests against the political use of pension payment for electoral purposes.[60] Because INASS did 'not want to be controlled by us',[61] the Institute stopped the campaigns in the neighbourhoods, maintaining open only the headquarters, located in the town-centre.

The municipal government denounced this withdrawal most vehemently emphasising the damage caused to innocent citizens, some of them quite aged, now forced to walk a long distance to the INASS headquarters. Given the pattern of promiscuity between politics and public administration, both parties

in the conflict shared the idea that the disbursement of the cash payments in the administrative unit, now staffed by Renamo people, would be seen by the people as a given away of the Renamo state rather than of the Frelimo state.

Conflict and Segmentation Between Base-level Modern Structures of the Local State

Soon after the nomination of new leaders for the five administrative units, conflicts between them and the community courts ignited. We analyse here two cases: the community courts of Cerema and of Inguri. A common characteristic for both cases is the fact that the administrative unit and the community court share the same premises. It should be mentioned that some of the previous directors acknowledge their interference in the matter of the courts. As described by one of the interviewees, an administrative official previously under Frelimo's local administration:

> Because the court was working in the same house as the administrative unit, every time I knew that there was a problem I was informed of it; when the judges felt hopeless in solving a case, sometimes they invited me, and I participated in the search for a solution.[62]

The conflict started over the request of the Directors of the administrative unit to be present at the court sessions, and to receive a copy of the monthly report, the community courts are supposed to send to the Notary and Register offices of the Ministry of Justice.

One of the Judges explained how it happened in the Community Courts:

> Our problem was that they wanted to see the report and we said 'that is not your competence', since we have not yet been instructed to deliver the report to the Municipality. We are only accountable to the Register and Notary office. And we refused to hand the director [of the administrative unit] a copy.[63]

In Inguri, initially, the judges, following the request of the new Director, prepared a daily summary of the cases. Shortly after, and following the other courts decisions, that 'municipality is the municipality and the courts are courts',[64] this process was discontinued. The director then offered to attend the court session, 'in cases the judges thought it could be important for the municipality to know exactly what was happening'.[65] But the possibility of cooperation between the municipality and the court was refused by the presiding Judge, arguing that this procedure was not a practice in the community courts.[66]

In both cases, through their president, the community courts denied the requests invoking the independence of the administration of justice. Their justification was problematic as, according to the law, the community courts,

contrary to the official court system, are independent of the Ministry of Justice. However, for the Director of Unidade Autárquica of Inguri, the refusal to access to the reports was perceived as a symbol of non recognition of the legitimacy of Renamo's city authority in the Municipality.[67] However, the real argument was, as 'everybody knew', that the community courts were a structure of the Frelimo and since the municipal government belonged now to Renamo, the latter assumed to have the right to control the community court and substitute the judges. In the different courts visited, the judges would describe how the courts had been visited by a brigade from the municipality, with the aim of promoting new elections for the community courts, to replace the current judges. Later on, in some neighbourhoods, things began to settle down. On the several occasions that we attended the courts, people who we interviewed would explain that they were seeking the court's assistance because 'the court was no longer working for the political parties'.

In Cerema, the administrative unit and the community court, in spite of the tension, found a peaceful *modus vivendi*. As expressed by a Judge of the Community Court, 'now we understand each other. The cases can be brought up to the administrative unit, but they forward it to us'.[68] However, in Inguri, the conflict became very intense and it included mutual insults and physical aggressions. The intensity of the conflict had a decisive impact on the performance of the community court. While Cerema continued to hear cases, the Inguri community court, once a very lively one, was deserted by the people and very few disputes were brought to it for settlement.

This was the first dimension of conflict between Renamo and Frelimo concerning the modern institutions of the state (the administrative unit and the community court). But soon after, a second dimension emerged, involving other modern institutions. Unable to control the community court or to replace the neighbourhood secretaries, the municipal government decided to create its own neighbourhood delegates, with the same functions as the secretaries, and to fill these positions with Renamo members. As referred by the Administrator of Angoche district, in 2004:

> Now, in the neighbourhoods, the secretaries of the Grupos Dinamizadores are no longer trusted by these newcomers of the Municipality. They [Renamo] have placed their own people to control the neighbourhoods. These new people no longer obey us.[69]

With this, the base level administration was segmented or divided according to party lines and a micro parallel or dual state emerged: a Renamo state side by side with a Frelimo state. This competitive duality led to conflicts that left the people confused and powerless.

The newly elected officials, under strong pressure to raise funds, were seeking to take control over local taxes, and at the same time to fulfil their previous electoral promise. During the 2003 electoral campaign, Renamo adepts would mobilise people in Inguri claiming 'if you chose Renamo, you won't have to pay taxes'.[70] The struggle to control the authorisation to celebrate the *parampara*[71] – the initiation rites – became a frequent type of conflict in Angoche. Formalised long before by Frelimo, it was a prerogative of the neighbourhood structure to grant this authorisation: 'Before we used to apply for permission to OMM.[72] Now, the ones from Renamo ask Renamo, the ones from Frelimo continue to seek permission from the secretaries, but it is not working…'[73]

Besides, the fees obtained were used by the *Grupos Dinamizadores* members as sources of income. Trying to fulfil the political promise, Renamo would issue the need authorisation for free, demanding in return that people would apply for it at the administrative unit. As a result, multiple conflicts of power emerged. We witnessed several cases authorised by the neighbourhood secretary and later on the celebration was ruined (for lacking authorisation) by the Renamo delegate or by the administrative unit, or vice-versa. One of such conflict was brought to the community court of Cerema and was analysed by us. The court focused on the unjustified damage caused to the families and neighbourhood by the destruction of the rites, but it was unable to provide a solution other than calling upon the parties in conflict to be reasonable and find a solution in respect of the needs and expectations of the people.

But the segmentation of the political sphere penetrated the private space, especially in Inguri. As a woman described:

> Renamo came to the parampa I was invited to, and forbade the other woman to sing – because there is a specific song to dance always sung by two women. Before, it used to be two representatives of Frelimo who sang, but because the municipality changed [political] colours, the woman from Frelimo did not have the right to sing.[74]

Conflict and Segmentation on the Traditional/Traditional Mix

The goal of Decree 15/2000 was to identify 'the very own chief'[75] as the interface between the state and the community. However, the figure of the 'chief' remains ambiguous, since the Decree sought to incorporate in a uniform law different forms of traditional rule and social organisation existing in Mozambique. Article 1 of the Decree clearly states that 'community authorities are the traditional chiefs, neighbourhood and village secretaries and other leaders who have been legitimised as such by the respective communities'. Further on, the Decree mandated local government to consult and work in cooperation with these authorities in various functions re-

lated to development, but the Decree did not specify what constituted a 'community' nor did it institute clear mechanisms for its 'recognition'.

Later legislation[76] established in more precise way the distinction between traditional authority and secretaries, thus downgrading the myriad of instances present to a double category – the local representatives from colonial times and the leadership introduced by Frelimo. The former are 'people that assume and exercise leadership according to the traditional rules of their community', while the latter are 'people that assume leadership by being chosen by the population of the neighbourhood or village to whom they belong' (Art. 1 of Diploma 80/2004).

In a sentence, the difference is in the process of selection, be it through direct elections (in the case of secretaries) or their 'ancestral' legitimacy and knowledge, for the case of traditional authorities. The diploma refers still to a third category 'of other legitimised leaders': people that exercise some economic, social, religious or cultural role accepted by the 'social group' to whom they belong. Law 11/2005 reinforces the special status of traditional authorities and secretaries. This Law stipulates that the 'special rights' of these authorities 'be recognised and respected as representatives of their local communities; to participate in local councils; to participate in official ceremonies locally organised by administrative state authorities (Art. 108). That implicitly calls for the inter-community legitimacy of these leaders to support state decisions at the local level. This is explicitly acknowledged in Articles 106 and 107,[77] which define the duties of these community authorities. These articles enlarge the scope of the interaction between the state and these 'local authorities', which includes activities in support of the state events in the area, work activities in common areas, conflict resolution and support of community courts, tax collection, judicial proceedings, policing, land distribution, public health and sanitation, public education, mobilisation of the population for participating in development projects, etc.

The recognition of community authorities played out differently in Angoche. As described above, in pre-colonial times, dispersed settlement ruled by paramount chiefs with a high degree of autonomy dominated in the region.

The Portuguese colonial administration, in order to administer local populations through the intermediary of hereditary, traditional chiefs, was obliged to construct hierarchies between settlements' heads, which previously did not exist. With independence, Frelimo introduced *Grupos Dinamizadores*, neighbourhood secretaries, but the local socio-political system continued to perform semi-clandestinely (Geffray 1990; Conceição 2006).

With the re-introduction of 'community authorities', the conflict and confusion over control surfaced. As the Angoche District Administrator

recognised, 'it is a question of power; now we have a conflict between the *régulo* and the local authority [secretaries, and other administrative staff]'.[78]

Some people demonstrated no interest in resuscitating the hierarchy of chiefs – *régulos* – through which the Portuguese had governed in colonial times. They noted that chieftaincy was disrupted, that there were conflicts over territories, over hierarchies and titles. In the very words of a community court judge, 'the *régulos* have ceased to function a long time ago. I even forget they exist. The state eliminated them, because there was no need for them.'[79] The same opinion was also expressed by other community judges interviewed in Angoche.[80] Others saw benefits in chiefs gaining recognition largely due to their access to other forms of knowledge, beyond that of the secretaries. In 2003, for example, in Inguri, the Director of the Administrative Unit explained that Régulo Likwhuari was 'involved in many activities, such as sacred ceremonies, ritual of initiation. Sometimes people resort to him to solve problems, such as social conflict and land demarcation of land plots in the neighbourhood'.[81] For others still, it remained a political question, and a search for authenticity, as one of the Renamo delegates defended:

> The community has to be ruled by itself. We have always struggled for the existence of traditional authority. Traditionally, we had a form of power which was ours. It was the colon that changed the name to *régulo*.[82]

Almost with no exception, government officials pressed for the presence of 'community authorities' in Angoche district, with some of them expressing nostalgia for the late colonial model of administration. They cited the *régulos* utility in collecting taxes locating criminals, solving disputes, acting as messengers.[83] Even an important Police officer remarked that 'where the *régulo* exists, it is easier to work, because we feel that it is a person with power. And they are more powerful than the neighbourhood secretaries, of course'.[84]

For the defenders of local decentralisation, elections for the local municipality were an answer to enlarge the participation by citizens at local level; however, Frelimo's project did not contemplate the presence of *régulos* or other instances of 'traditional authority'. During the various visits paid to Angoche, Régulo Likwhuari complained that he had not been recognised formally by the state. In his own words:

> A long time ago I had two houses, one built with my own money I earned fishing; the other was offered by the Portuguese administration, because I was a *régulo*. Sometime after independence, the government confiscated my main house [the one the colonial government had built].[85] Later on they gave it back to me. But with the municipal elections, they removed me from there again [in 1998]. I am nobody. Where there is no municipality, there is no problem. In the district the *régulos* have power.[86]

In the city, the secretaries continued to perform their activities as before, maintaining a strong complicity between the city-elected administration and Frelimo party. As remarked by the secretary of one of Angoche's neighbourhoods, 'in 1989 I became the party secretary in this neighbourhood, and I am still the party secretary today'. Further on, he would add: 'In the administrative unit we belong to, there are 18 neighbourhoods that correspond to 19 party cells'.[87] In short, the recognition of *régulos* did not occur during the term of Frelimo's mayor, that is, no *régulo* had been recognised in the city, while in the nearby district the process was taking shape.[88]

When Renamo won the elections, one of their policies was to recognise traditional authorities. As expressed by a Director of an administrative unit in Angoche:

> If the central government wanted the régulos to be in function, they had already recognised them here in Angoche long ago. But no! Who is fighting for the régulos is Renamo, and it explains the long delay in recognising them here in Angoche.[89]

Once in power, Renamo initiated the process of legitimisation and recognition of *régulos* in Angoche, following the directives of the Ministry of State Administration and applying them to the municipality. As expressed by a municipal official, 'We received those documents[90] and we have started the process of legitimisation of these community authorities. We do everything according to the law'.[91]

The *régulos* themselves were not above party politics; also, conflicts were common within and among lineages. Such conflicts were brought to the fore by both sides – Renamo and Frelimo – in an effort to recruit chiefs as a means of extending their (government) authority. This was happening in several neighbourhoods, such as in Cerema. Up to 2004, the *Régulo* of Hékeréke – with whom the city municipality would dialogue – was Matias Alberto Omar, himself a Frelimo member.[92] However, when Renamo came to power, the one recognised by the Municipality became *Régulo* Muhálà, a strong Renamo supporter. This political segmentation became evident. In the words of the then Angoche state attorney:

> In the beginning the régulos were more supportive of Renamo, which claimed to defend their interests. But with the changes that took place, Frelimo conquered several of them. And a division happened – now some are known to be with Renamo, others are on the opposite side, with Frelimo. And they act according to their political interests'.[93]

Because the certification of traditional authorities by the Municipality did not entail the prerogatives granted by the central government, the status of such traditional authority became rather ambiguous,[94] and another segmentation

emerged as a result. On one side, traditional authorities in the district supposedly close to Frelimo for having been legitimated by the central government, and, on the other side, traditional authorities in the city supposedly close to Renamo for having been legitimated by the municipal government.

The colonial three-tier hierarchy of 'traditional authority' in Angoche (*régulo*, *chefe de grupo de terras*, *chefe de povoação*) was imposed, whether or not it fitted the local reality. The Decree 15/2000 and the subsequent legislation did not open space for diversity. As a result, several leaders remained excluded. For example, the title of *mwéné* did not fit the existing structure. As a solution, Renamo administration transformed some of them into 'community authorities', resulting in competing authorities over the same jurisdiction.[95] Together with the elected administration, this particularly segmented component of 'local authority' sought to engage with other administrative instances in solving the problems of Angoche. In the words of the *Régulo* of Puli, 'today we are seven *régulos* in the Municipality, but we do not know very well how to work. I am not sure about my function. And then, there are the community leaders too...'[96]

Conflict and Segmentation on the Traditional/Modern Mix

The political segmentation of the base-level administration reached another level with polarisation around the traditional authorities. In this case, the segmentation occurred between traditional institutions brought about by a modern political conflict (Renamo *versus* Frelimo). Moreover, it did not take place within the state, as in the previous case, but rather on a contact zone between the state and the community.

The segmentation – resulting from the pattern of conflictual parallel construction of the local state – produced yet another segmented administrative and judicial structure. Seeking to substitute the posts created and filled in with Frelimo supporters, at the level of the neighbourhoods, Renamo created its own structure, aiming at replacing the secretaries with delegates. However, this only segmented even more the Angochean society: 'now, in each area we have the secretaries from Frelimo, and there are also the delegates of Renamo. Both seek to solve problems in their own neighbourhoods. It is very confusing'.[97]

The question of the community police became particularly evident. The councils of community police were introduced in 2000, as a means to monitor crime and bridge the community with the state police, by implementing citizen's voluntary participation. In 2003, several councils of community police were active in Angoche (Meneses 2007:34-35). Once again, the interference of Frelimo was notorious. For instance, in one of Angoche's neighbourhoods, members of community police reported that they had been

chosen 'by the secretary and the police commissioner'.[98] Renamo opted to create a community police parallel to the existing one.[99] The community police functioned in close association and under the supervision of the secretaries; therefore they were perceived as belonging 'not to the municipality [Renamo], but to the nation [Frelimo]'.[100] In the words of the Administrator of Angoche, this became a critical political problem, since 'the various administrative units had decided that the community policies could only include Renamo people'.[101]

Gradually, one witnessed the emergence, on the side of Renamo, at each administrative unit, neighbourhood delegates, community police and traditional authorities certified by Renamo; on the Frelimo side community courts, neighbourhood secretaries and community police, and traditional authorities certified by Frelimo.

The rich network of dispute resolution mechanisms existing before and operating cooperatively, was thereby fractured, the cooperative coexistence replaced by a competitive one and the people were led to choose between one of the segments of the network. As noted by one of the directors of the administrative units in Angoche from Renamo, the political competition had fractured the society at multiple levels:

> When we say that this administrative unit belongs to Renamo, it means that Renamo won. Before, Frelimo was here and spoke loud, and Renamo was silenced. Now, the secretaries have to accept that there is another party, but they don't accept. The secretaries go around and keep working as before, solving conflicts, issuing declarations. I tell them that now how in this municipality who has to solve the problems of the populations are the *régulos*. But the secretaries won't allow it. When the *régulo* is reunited with the population, solving the problems, the secretaries show up and destroy everything. They say 'we are the ones who rule, we are from the nation, we don't recognise Renamo'. And we have to carry on working with many difficulties, being prosecuted by their community courts and their community police.[102]

By 2006, the segmentation had achieved new contours. Frelimo's secretaries continued to work, in parallel with Renamo's secretaries, as recognised by several of the interviewees:

> The problems of the people are very serious here, because I am a secretary, but there is the *régulo* and the community leader, they also want to solve the problems here. And then comes the *senhor secretário*, the old one, from the government, as says he also wants to work. And he forbids the others [to work], he says we have no right to solve conflicts in this neighbourhood.[103]

The proliferation of administrative and dispute resolution mechanisms, rather than increasing the horizon choices of the people, diminished it. The most telling dysfunction of these segmentations became the disputes among different dispute resolutions institutions, through their leaders, involving insults, threats and sometimes even physical aggression, disputes that even had to be taken to the police or the district courts for settlement. In other words, the institutions in charge of settling disputes became a source of conflict themselves, in disputes created by them to be settled elsewhere.

Conflict and Segmentation in the Secular/Religious Mix
The segmentation of dispute resolution mechanism has still another dimension which is another contributing factor to the dual local state. This dimension concerns the secular/religious binary or mix, and refers to the Islam.

The influence of Islam in its multiple conceptions is a reality in Angoche. These three divergent conceptions of Islam are the Swahili Africanised Islam, the Sufis, and the 'modernist' Islamists, also known as *Wahabbis* (Bonate 2007a). This diversity while being at that instance a font of tension, it was for a long time a local resource, a variety of options offered to the Angocheans to fulfil their religious aspirations or to settle the disputes among them.

Neither as a cultural imprint nor a dispute resolution mechanism does Islam, in its different currents, operate in isolation. It is part of a complex constellation of political cultural legal forces operating at the local level. Such constellation comprises the municipal administration, the Frelimo/Renamo local cadres, traditional authorities of various kinds and a panoply of sub-municipal authorities, some surviving from the revolutionary period (1975-1985), others newly created. In the case of Islam, there are also global and regional influences conditioning its development and internal diversity (Santos 2006). While the previous lines of segmentation occurred either within modern institutions (the case of administrative units versus community courts or community police versus community police), in a mix or traditional/traditional institutions (case of the 'new' and 'old' *régulos*), or in a mix of traditional/modern institutions (the case of dual legitimation of 'community authorities'), this last segmentation concerns the line secular/religious which occurs in a contact zone that is a continuum between the state and the non-state as polar positions, and is situated in a position close to the non-state pole. Moreover, this segmentation has a more complex causation than the others. On the one hand, some of its factors date back to the colonial and the pre-colonial period. On the other hand, besides national factors, global factors are at work, in this case Islamism. The impact of these factors, however, was decisively conditioned by the political polarisation Frelimo/Renamo as it happened in the previous segmentation.

As we said in the beginning, Islam has a long and strong presence in Angoche. Islam leaders have always been an integral part of the network of dispute resolution institutions, particularly in the domain of family disputes. Through their participation in chiefly lineages, they became traditional authorities with functions that combined religious and secular tasks. 'In the past, before Frelimo arrived, the family problems were all solved with the help of the *xehe*'.[104]

Since late nineteenth century, the Africanised Islam co-existed with the Sufi orders. The tensions among them had not so much as religious base, as an ethno-cultural base, as the Sufi orders were for a long time controlled by Indo-Africans who were descendent of the Gujarati Sunni Indian immigrants and local African women (Bonate 2007a:146-147; Bonate 2007b:56; Meneses 2008). More recently, in the 1960s, another current of Islam, the *Wahabbis*, has emerged and gained prominence with strong connections with Sudan and Saudi-Arabia. The coexistence of these three currents of Islam – Africanised Islam, Sufi orders and *Wahabbis* – has been a source of tension for some time.

In the struggle for social visibility and political leverage, different Islamic organisations were created. As described by Bonate (2007a), the *Wahabbis* took advantage of ban on traditional and religious authorities to design an Islamic association that would eliminate all their historical rivals. When the ban was lifted, in 1981, the *Conselho Islâmico de Moçambique* was established in Maputo, with the assistance of the government. The formalisation of this Council was a great victory for the Afro-Indian *Wahabbis*, since the northern Mozambican Sufi-based Muslims leadership was not involved (those of Angoche were not even consulted). Probably for their modern outlook, their refusal of traditionally based Islam and their university degrees and Middle Eastern Islamic culture, Frelimo showed its preference for the Council as the legitimate representative of all the Islam in Mozambique.

Two years latter, in 1983, Maputo Muslims who disagreed with the *Wahhabis* created their own national organisation, the *Congresso Islâmico de Moçambique*. The Congress united most of the pre-colonial associations, including Sufi Orders.

The competition between the two organisations for government support, as well as for the funding of international Islamic NGOs is installed since then.[105] As described by a Shaykh, himself a member of the Council, this segmentation on religious grounds was very violent:

> I had problems with a *xehe*, because he belongs to the Congresso and wanted me to be part of the Conselho. He hunted me down seeking to arrest me, because he wanted everybody in Angoche to belong to the Congresso'. In his own words, the conflict expressed the debate on the nature of Islamic

authority, especially with regard to religious rituals: the difference lies in the study of the Koran. Now we have different mosques and in each we pray in a different way.[106]

But this tension intensified enormously due to the Renamo/Frelimo polarisation. While many of the Afro-Islamic local leaders were considered to tend toward a pro-Renamo position, the Council was vocally pro-Frelimo: 'they even have elected a deputy to the Parliament', murmured a member of the Marudia Mosque.[107]

This situation has been the source of continual frustration and resistance to the alleged racial and cultural discrimination perpetrated southern Wahhabis, Afro-Indians, and Indians, in alliance with Frelimo. The Congress itself, purported to be politically neutral, competed with the Council for Frelimo favours (Bonate 2007a:145-146).[108] Probably for this reason, a group of pro-Renamo young affiliates of the Council – most of them with religious training at universities abroad - spilled and created a new alternative organisation, the *Alh Al Sunnah*.[109]

When the Renamo won the elections, the tensions among the different Islamic organisations rose in Angoche. Traditional Muslim leaders, always seen as 'unmodern' or as syncretised with African traditions and chiefly structures, had always resented their failure to establish their Islamic legitimacy and the discrimination against them by the Southern pro-Frelimo *Wahabbis*, Afro-Indians and Indians. Renamo's local victory was seen as an opportunity to strengthen their traditional power and to establish their Islamic legitimacy. Some of them who identified with Frelimo moved to Renamo, such as the case of Shaykh Hasan Ali 'Concavo'.[110] On the other hand, the *Wahabbis*, benefiting from the financial support from foreign sources, intensified their social action and religious proselytism.

I studied the Koran in Sudan. These old *xehes* you have spoken too, they are backwards, they know nothing, what they lecture is incompatible with the 'truth'. We are the true interpreters of the *Kitabu*'.[111]

Further on, when asked about his political goals one of the members of the Alh Al Sunnah stated:

I do not agree with Frelimo or Renamo. Renamo used to understand us, but they also do not want to recognise the power of Shari'a. And that is the wish of Allah.[112]

In this intensified competition between different Islamic organisations, one detects another manifestation of the hyper-politicisation of social life caused by the Renamo/Frelimo polarity, with the consequent segmentation in the secular/religious network of services.

Conclusion

Institutional mechanisms (be it representative democracy, or various institutions and instruments set up by local government to enhance participation) are currently quite problematic in Mozambican municipalities, and the city of Angoche in particular, whose citizens resort to various means in order to solve their problems, to be heard.

While analysing local development reforms in Mozambique, several scholars have pointed out how the convergence of interests between state institutions and officials interested in firmly controlling the reforms and donors inclined to impart technocratic solutions, in a situation in which resources are scarce, inevitably leaving immense power to the few holding state and administrative institutions (Grest 1995; Harrison 1996; Alexander 1997; Santos 2006). The Angocheans, with no pedagogies of appropriation of democratic citizenship, where left at the mercy of the parties.

Unable to eliminate, replace or control the existing administrative and dispute resolutions institutions, the Renamo municipal government, in power between 2003 and 2008, decided to duplicate such institutions through the community courts, neighbour delegates or traditional authorities, and community police. In doing this, the municipal government followed a strategy indeed very similar to the one it criticised when adopted by Frelimo, that is, the over-politicisation of the public administration. A dual state emerged at the local level with obvious costs for the population, confused before parallel institutions and without any clue as to their relative efficacy to solve their problems or to settle their disputes.

In 2006, and probably as a response to the loss of control over the municipalities now ruled by Renamo, Frelimo initiated a process of new territorial definition, aimed at 're-organising' the municipal limits. At the same time, and claiming that the state has responsibilities and obligation in terms of territorial management, the Ministry of State Administration had begun introducing the figure of 'state administrator' at the municipal level. Although the Minister maintains that the municipalities have administrative autonomy, these officials, supposed to function in those spaces, are accountable to the central government.

The article seeks to identify some of the structural and contextual constraints that may be responsible for this lack of bottom-up dialogue. Some of the conclusions are that the highly politicised spheres of power lead to the development of patterns of clientelism and dual party system at the local level. This government fragmentation at municipal level is an important factor in the failure of participatory processes, for not allowing for a broader engagement of people in the local government on the best ways of meeting social needs.

In Mozambique, one of the specifics of the democratic system present is that it represents a political solution for co-habitation between major political protagonists. The democratic solution that resulted from the peace agreements – the introduction of multipartidarism – was a primary tool for peace making in Mozambique. But this does not coincide with the need for democratisation and political participation. In times of peace, political confrontations continue, as the parties function under the logic that the party space corresponds to the sphere of the state interventions. In short, the party is the state (and the militants assume this position once in power).

What was the political meaning of this dual local state emerging from competitive administrative creation and network segmentation? The election of a Renamo municipal government was celebrated by different observers as a signal of democratic consolidation. But what type of democracy is this? Are we before a new type of democracy, a two single-party democracy? The case of Angoche suggests that between 2003 and 2008 the local political system was based, not on a multi-party democracy, but rather on a two-single party democracy.

Participation does not necessarily allow people to raise other positions and often straitjackets discussion into consensus oriented outcomes. A more democratic approach to participation would not fear debate but rather encourage and facilitate it. With the transformations that the Mozambican cities have known since independence, decision making is not devolved to the most local scale. However, participation often happens at the local scale of the ward. The interaction between these scales is key to determining the degree to which people influence policy. Finally, one should analyse whose agendas are represented and discussed at the municipal level. As the data analysed here suggest, reflection on local level participatory meetings is required in order to determine whether the most marginalised people are being accessed. Are dissenting voices outside of participatory forums seen and heard as valid? A danger of formal spaces of participation is that they effectively shut down other initiatives to engage the government critically. Together, these questions are intended to allow for critical reflection on the democratic value of participation, and probably will help in explaining the effort put in by all parties in the 2008 municipal election, an election won by Frelimo in 42 municipalities. The only exception was Beira – Mozambique's second larges city, won by an independent candidate. The victory of Uria Simango suggests that at local level, democratic participation can mobilise independent, but legitimised political leaders, outside the major political parties. Will that be a solution to deadlock of the dual party scheme? The future will tell us.

Notes

1. This paper draws upon both individual and collaborative research undertaken by the authors.
2. In 2006, the central Government of Mozambique allocated, for the first time in the history of independent Mozambique, a percentage of the state budget – correspondent then to 7 million of meticais (now 7 thousand of new meticais, about US$ 300,000) to each of the country's district.
3. The concept of heterogenous state has been coined by Santos, 2006.
4. Frelimo has been the main political force in the country, even after the introduction of a multiparty system in 1994, having won all the presidential and legislative elections.
5. Integrating AMETRAMO (Mozambique Traditional Healers Association), PROMETRA (Organisation for the Promotion of Traditional Medicine), among others.
6. Interview with Régulo Shale Abdallah Yussufo – Likwhuari (Angoche city), 30 September 2003, and 28 August 2004.
7. That is, the *régulos* were not a social category exclusive of the rural world.
8. The first *Estatuto do Indigenato* (corresponding to the Native Codes in neighbouring British colonies) contained the foundations of the Portuguese 'native policy'. Its first version was approved with the force of Law in 1926, but the *Estatuto* knew several changes, until it was abolished in 1961.
9. See interview with Régulo Likwhuari, Angoche, 2004.
10. Articles 4, 26 and 36 of the 1975 Constitution of Mozambique.
11. One criticism leveled against this form of local administration was that the centrally appointed chairperson or administrator deprived the city or district council of its autonomy. Another criticism against the executive councils was that they were charged with the responsibility of directing, coordinating and controlling subordinate directorates and services without supporting instruments and resources to ensure that their decisions were implemented. See *Resolução Geral – 1ª Reunião Nacional sobre Cidades e Bairros Comunais* (Maputo, Imprensa Naciona, 1979).
12. Law 5/78 (of 22 April 1978) that abolished the colonial forms of local government (*Câmara Municipal*). In their place, Mozambique government introduced the 'executive council' (*Conselho Executivo*) as the executive bodies of the cities and district assemblies (Law 7/78 of 22 April 1978).
13. Decree n. 6/78 of 22 April 1978.
14. On this subject, see, for example, Geffray 1990; Vines 1991; Chingono 1996; Hall and Young 1997; Cabrita 2000; Hanlon 2001 and Dinerman 2006.
15. The 1990 constitution defined the tasks of the local state organs as follows (Article 185):
    1. *The local organs of the state shall organise the participation of citizens in solving the problems of their communities and shall promote local development.*
    2. *The strengthening of local organs shall serve to reinforce democracy and shall contribute to national integration and unity.*

16. Currently (2009) there are 43 municipalities in Mozambique.

17. Interview with an official of Angoche District Administration, 27 August 2004.

18. Interview with Fernanda Namikuto, 29 September 2003; Interview with Sabino Hassane, 27 September 2003.

19. Interview with Alberto Omar Assane, Angoche District Administrator, 23 August 2004.

20. Among several important publications on this subject, see Lupi 1907; Massano de Amorim 1911; Mello Machado 1970; Hafkin 1973; Mbwiliza 1991; Newitt 1995; Pelissier 2000; Bonate 2003.

21. Mainland administration.

22. This was a broader conceptual category, which included not only the 'metropolitan' Portuguese, but also Indian, African and mixed-race subjects of the Portuguese Crown. See Hafkin 1973:xviii; and Pélissier 2000, vol. 1:55-56.

23. Interview with several *régulos* of Angoche – October 2003 and August 2006.

24. The '*anhyapakho*' (sing. nhapakho) are the descendants of the 'first' inhabitants of Angoche. The Shirazi ruling clan of the *anhyapakho* has enjoyed dominant positions, because the members had escaped the Portuguese ravages of the sixteenth century and took over the traditional Swahili trade on the decline of the leading Swahili settlements of northern Mozambique (Newitt 1972a).

25. The term *Maca* would identify the Muslims, considered 'civilised', vis a vis those to be enslaved – the makhwa, considered savages). On this subject, see Lupi 1907:70, 106, 178-9; Hafkin 1973:36, 82; Bonate 2006:142.

26. *Xehe* correspond to the africanisation of *Shaykh*. In the case of the Sufi orders it is used to refer to a religious leader (Pinto de Carvalho 1988:65). However, more often this title is used to refer to a Muslim man '*very respected and with a profound wisdom* [about Islam]' (interview with a *Xehe*, Angoche, 1 October 2003).

27. Interview Régulo Likwhuari, on 28 August 2004.

28. Also, Interview with Fernanda Namikuto, 29 September 2003.

29. Angoche became a city in 1970.

30. Interview with a *Régulo*, 4 October 2003.

31. Interview with D. Amina, Inguri – Angoche, 8 October 2003 and interview with a neighbourhood secretary, 6 September 2003. The *quarteirões* were also subdivided into smaller unit, headed by the 'chief of 50 or 10 houses'.

32. The Constitution of 1990 created a new judicial organisation, where the lower level courts, which judged according to the Constitution and the local customs and norms, became separated from the formal court system. Thus, the community courts created by Law nº 4/92 (of 6 May) became outside the formal judicial organisation (Santos 2006:49, 56). Interview with the collective of judges of the Community Court of Angoche city, 27 August 2004.

33. Interview with a Community Court Judge in Angoche, 8 October 2003.

34. Interview with deputy Presiding Judge of a Community Court, Angoche, 13 October, 2003.

35. Interview with Angoche Administrator, 23 August 2004, and interview with the town mayor, Alberto Omar, 23 August 2004.
36. Interview with Fernanda Namikuto, Angoche, 28 August 2004.
37. Interview with the presiding judge of a Community Court of Angoche, 4th October 2003. The judge reported two cases: one involving the previous presiding judge of the court, who had been bribed several times, and the case of a neighbourhood secretary, that had land plots belonging to other people. A similar situation has happened with a previous presiding judge of a Community Court in the city (collective interview with the judges, 30 September 2003).
38. Interview with member of the Marudia Mosque – Inguri, 4 October 2003.
39. Law 3/94 of 13 September 1994.
40. Law 2/97 of Local Municipalities – designed as 'autarchies' (of 18 February 1997). It was followed by Law 11/97 of Municipal Finances (31 May 1997). Together these laws constituted the national legal framework for giving municipalities extensive administrative and financial autonomy. The municipal revenues include local taxes, and other fees.
41. The ban of religious institutions had been lifted in the 1980s.
42. Headed by the Ministry of State Administration, in charge of the dossier on community authorities. This process is analysed in detail in Kyed and Buur 2006.
43. Decree 15/2000 of 20 June 2000 and Diploma 107-A/2000 of 25 August 2000. These two pieces of legislation were passed only by the Council of Ministers.
44. AWEPA Mozambique Political Process Bulletin 21 (21 July 1998).
45. Interview, 29 September 2003.
46. In 2004 there were four complaints in the District Court against.
47. Interview with the Director of Unidade Autárquica do Inguri, on 13 October 2003.
48. Collective interview with the judges from a Community Court, 31 September 2003.
49. Interview on 13 October 2003.
50. More recently, in July 2008, the Community Courts of another northern municipality considered a stronghold of Renamo – Nacala – went on strike, claiming better financial conditions from the state.
51. Interview with a Presiding Judge of a Community Court, 30 September 2003; and interview with the collective of judges from another Community Court of Angoche 31 September 2003.
52. Interview, 30 September 2003.
53. All of them Frelimo members – Interview, 3 October 2003 and another interview on 3 August 2006.
54. Interview with a former Frelimo official at the Unidade Autárquica, August 2006.
55. Interview with the Secretary of Angoche sede, 15 October 2003.
56. Permanent representatives of INASS in the neighbourhoods.

57. Interview with Fernanda Namikuto, 26 August 2004.
58. Interview with a Director of a Unidade Autárquica, 24 August 2004.
59. Interview with Alberto Omar, mayor of Angoche, 30 August 2004.
60. Interview with a Renamo municipal official, 23 August 2004.
61. Interview with a municipal official from Renamo, 26 August 2004.
62. Interviewed in 3 August 2006.
63. Interview, 24 August 2004.
64. Interview with a Judge of a Community Court of Angoche, 27 August 2004.
65. Interview with the Director of the Unidade Autárquica of Inguri, 23 August 2003.
66. Interview with a Judge of a Community Court of Angoche, 27 August 2004.
67. Interview with the Director of the Unidade Autárquica, August 2004.
68. Interview, 24 August 2004.
69. Interview with Alberto Omar Assane, Administrator of Angoche (local state representative), 23 August 2004.
70. Observation in Inguri – Angoche, 29 October 2003.
71. The 'parampara' became the symbol of girl's ritual of initiation, formalised by Frelimo in the early years of independence in Angoche. As a symbol of entrance into adulthood, this ritual attracts large groups of women, who want to celebrate their womanhood. It is easily identified by the low sound of drums that accompanied it.
72. *Organização da Mulher Moçambicana* – Mozambican Women's Organziation.
73. Interview, 25 August 2004.
74. Interview in August 2004.
75. Interview with an Administration officer in Angoche, 27 August 2004.
76. Such as Ministerial Diploma 80/2004 of 14 May 2004, regulating the articulation between autarchies and community authorities, and Law 11/05 of 10 June 2005, regulating the functioning of local state organs. It should also be pointed out that the 2004 Constitution recognises, for the first time, the figure of 'traditional authority' (Art. 118).
77. These duties are quite similar to the one established in Decree 15/2000. The Law also stresses that among their special rights these leaders are entitled to: display the symbols of the republic; to wear their official garment; to be paid (receive) a subsidy depending upon the amount of taxes collected by them (Art. 110).
78. Interview with the Angoche District Administrator, 15 October 2003.
79. Interview with a judge of the Community Court of Angoche city, 28 August 2004.
80. Interview with the judges from several Community Courts of Angoche, on 1st October and 14 October 2003.
81. Interview with Orlando Abuque, 13 October 2003.
82. Interviewed in 13 October 2003.
83. Interview with an administration official, 27 August 2004.

84. Interview, 2 October 2003.
85. Currently the Unidade Autarquica of Inguri functions in his 'official' house. The community court and the community radio were also based there in 2004.
86. Interviews with Régulo Likwhuari, 30 September and 15 October 2003 and 28 August 2004.
87. Interviewed in 6 September 2003.
88. The information made available from the District Administration revealed that up August 2004, 41 *régulos* has been legitimised by the population in Angoche District (surrounding Angoche city), of which 35 had been recognised by the state. By 2006 all of then had already been recognised by the state.
89. Interview, 24 August 2004.
90. Ministerial Diploma 80/2004 and Law 11/05, that recognised 'community authorities' mostly in rural areas.
91. Interview with a Director of a Unidade Autárquica, 2 August 2006.
92. Interviewed on 4 October 2003.
93. Interview on 25 August 2004.
94. Interview with an Administrative officer, Angoche, 5 August 2006.
95. Interview with a Community Leader, 9 August 2006.
96. Interview, 9 August 2006.
97. Interview with a Judge from a Community Court of Angoche, 27 August 2004.
98. Interview with members of the community police, 14 October 2003.
99. Interview with a Renamo municipal official, 23 August 2004.
100. Interview with a Community Leader, Angoche, 9 August 2006.
101. Interview with the Angoche District Administrator, 23 August 2004.
102. Interview, 24 August 2004
103 Interview with a secretary in Angoche, 9 August 2006.
104 Interview with shaykh Amisse Hassan, Horta, 29 September 2003.
105. Interview with member of the Marudia Mosque (from the Congress), 5 October 2003.
106. Interview, 29 September 2003.
107. Interview with a member of the Marudia Mosque (from the Congress), 5 October 2003
108. Interview with members of the group *Ahl Al-Sunnah*, 5 October 2003.
109. Ibid.
110. Interview in 26 August 2004.
111. The Book, meaning the Koran.
112. Interview in 28 August 2004.

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Contribution of Women in Influencing Legislation and Policy Formulation and Implementation in Uganda (1995-2005)

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Abstract[1]

This paper on impact assessment of the contribution of women in influencing legislation and policy formulation and implementation in Uganda 1995-2005 is premised on the assumption that there is still much more to be done, though women have made some contributions towards the advancement of gender equality and empowerment. This is because the institution of patriarchy is still strong, and sufficient gender mainstreaming in the determination of policy choices and legislations and how these affect the quality of life for both women and men, particularly in the areas of family, health and education, is still lacking. The paper argues that although the government has been implementing a gender sensitive and responsive constitution, and despite the fact that the number of women participating in politics and governance has been steadily increasing, their participation has not had the desired impact on legislations and policies to make them gender sensitive and responsive to women's rights, interests and needs. The sectors of health, education and family are selected for the analysis because these are where women are affected most. It is presumed that having gender sensitive, responsive and implemented policies, and non-discriminatory laws, in these sectors would go a long way in neutralising patriarchy and promoting gender equality and women's empowerment.

The paper proposes policy recommendations on how to scale up women's participation, contribution and impact on policies and legislations to the advancement of gender equality and empowerment of women in the entire society.

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Résumé

Cette étude sur l'évaluation de l'impact de l'influence des femmes dans
l'élaboration et la mise en œuvre des lois et politiques en Ouganda entre
1995 et 2005 se fonde sur l'hypothèse selon laquelle il reste encore
beaucoup à faire, même si les femmes ont fait progresser la lutte pour
l'égalité des sexes et l'appropriation des sphères économiques, sociales
et politiques par les femmes,. Cette situation s'explique par le fait que le
patriarcat reste encore une institution forte, et que l'intégration du genre
dans la détermination des choix politiques et des lois, et la manière dont
ces derniers influencent la qualité de vie des femmes et des hommes est
encore loin d'être satisfaisante.

Certes, le gouvernement applique une constitution sensible et réactive
aux questions liées au genre et le nombre des femmes participant au jeu
politique et à la gouvernance s'est régulièrement accru. Cependant, cette
étude estime que leur participation n'a pas provoqué l'effet escompté sur
les lois et les politiques au point de les rendre sensibles aux questions liées
au genre et réactives aux droits, aux intérêts et aux besoins des femmes.

L'étude recommande donc des politiques permettant le renforcement de
la participation et de la contribution des femmes ainsi que de leur
influence sur les politiques et les lois œuvrant à l'égalité des sexes et à
l'autonomisation des femmes dans l'ensemble de la société.

Introduction: Women in Governance in Historical Perspective

The struggle for women's emancipation in Uganda has a long history. The
women's movement in Uganda is one of the strongest mobilised societal
forces. Its history can be traced during the colonial period and in the activi-
ties after independence under the first Milton Obote regime (1962-1971).
Unfortunately, Idi Amin suppressed the women's organisations, until they
re-emerged under Obote's second regime (1980-1985). The National Coun-
cil of Women (NCW), which was established by a decree and placed under
the Ministry of Community Development, was a response to a United Na-
tions Resolution, an initiative of the UN decade for women. However, the
NCW lacked independence and the decree which established it was used by
the government to limit the formation and registration of progressive wom-
en's NGOs. Even then the struggle for emancipation lacked the revolution-
ary zeal and focus as Matembe (2002:65) recounts.

   Until the changing times of the mid-1980s, the general view of women in
Uganda was very traditional and limiting. Women were thought to be first
and foremost wives and mothers. Domestic space was women's domain
and their main responsibilities were family related. Generally, women were
not perceived to be public actors or public decision makers.

Subsequently, when the National Resistance Movement took over power in 1986, the women's movement gained much more support because the political leaders were ready to listen to concerns relating to oppression of and discrimination against women. During the constitution drafting process (1988-1995), the major concern on women was the long history of their systematic oppression and discrimination throughout the pre-colonial, colonial and post-independence eras. Concerns were also articulated in the sectors of education, family and health.

In the education sector, it was also observed at the time that girls were discriminated against. Boys' education was always preferred. Whenever parents failed to raise sufficient funds, girls were the first to be recalled from schools. Girls who became pregnant were denied a chance to continue their education while the boys responsible got off the blame and continued to study.

In the family sector, concerns were raised about laws which discriminate against them in several aspects: property ownership, marriage, separation, divorce, custody of children and inheritance. It was noted that in our societies women were often denied the right to own property. Whatever a woman owned before marriage belonged to her family while after marriage every thing belonged to the husband and his relatives or clan. Daughters were excluded from becoming heirs to their fathers even where there was no son in the family.

In some communities, the widow was regarded as 'property' to be inherited as part of estate (The Report of the Uganda Constitutional Commission 1993). There were also cultural practices that were identified as inconsistent with modernity, health and development ideals. These included the practice of forcing young girls into marriage, the payment of bride-price, its commercialisation and the negative connotations it carries, the traditions of widow inheritance, female circumcision and prohibiting women and children from eating certain nutritious foods. All these became important issues for debate, scrutiny and attention.

The above concerns were made against a background of understanding that Uganda was already a signatory to various International legal instruments, including the Convention on the Elimination of all Forms of Discrimination against Women (1979). The challenge has been on how to translate the state's obligation towards international agreements it has ratified into effective legislation, policy and action.

Furthermore, Uganda's past three constitutions 1962, 1966 and 1967 all carried bills of human rights and fundamental freedoms. The bills focused on civil and political rights and fundamental freedoms like the right to life,

personal liberty, individual property, etc. and fundamental freedoms like freedom of movement, expression, assembly and association. However, the bills of rights in those constitutions did not make provision for the enjoyment of economic, social and cultural rights like right to education, employment, social security, good health and adequate standard of living. The constitutions also do not capture the equality of gender in enjoying the civil, political, social, economic and cultural rights. The constitutions also did not mention gender equality in enjoying these rights and, apart from the courts of law, provided no other institutions for the enforcement of human rights observance, particularly on gender inequalities. Worse still, there were no policies to deal with awareness and service delivery on gender as a development concern among policy makers and implementors. Similarly, the family law, particularly the Marriage Act (1904), Divorce Act (1904), Succession Act (1906) were not amended after independence to be gender compliant.

Situation Analysis

Uganda over the last twenty years has made some achievements towards gender equality and empowerment of women. Indeed, as the Uganda Gender Policy (2007) points out, key positive milestones and gaps can be highlighted in the sectors of our interest (education, health, family) in this paper.

The Universal primary Education (UPE) has increased overall enrollment from 2.7 million in 1995 to 5.3 million in 1997 and to 7.3 million in 2002 with girls constituting 49 per cent (3.6 million); in 2005 it rose to 49.6 per cent (3.6 million) and increased to 50 per cent (3.65 million) in 2006. When affirmative action for females was introduced in public universities, it increased female enrollment from 23.9 per cent in the academic year 1989/90 to 29.2 per cent in 1990/91 and then to 49.5 per cent in 2003/04; and 45.2 per cent in 2005/2006. Literacy rates increased from 54 per cent in 1991 to 69.6 per cent in 2002. The imbalance emanates from varying levels of enrollment and attendance of education at all levels. Overall, 77 per cent of the males are literate compared to 62.4 per cent of the females (2002 Population and Housing Census).

In the health sector, there has been declining trend of HIV infection from a peak of 18 per cent in 1992 to 7 per cent in 2005. However, among 15-49 year olds, HIV/AIDS prevalence amongst women is at 7.8 per cent as compared to 6.4 per cent for men. Amongst urban females, it is at 12.8 per cent compared to 6.5 per cent for those in rural areas. By the age of 15 years, 16 per cent of women are married while 53 per cent are by the age of 18 (UDHS 2006). Rural water coverage increased from 54.9 per cent in 2002 to 61 per cent in 2006. On health rights, high mortality and mobility rates remain a challenge. The Uganda Demographic and Health Survey (2006) revealed an infant mortality rate of 76 deaths per 1,000 live births and under

five mortality rate of 137 per 1,000 births. The UDHS 2000/1 put maternal mortality ratio at 505 per 100,000 live births. The high total fertility rate at 6.9 per cent has led to the rapidly increasing growth rates (3.3 %) per annum, which in turn has negative consequences on provision of health services for women and increases the dependence ratio. The high incidence of teenage pregnancies is associated with high risks to health and life of both mother and child (UGP 2007:9-10).

In the family sector, a number of gaps exist in terms of achieving equality and empowerment of women. A gender analysis of Uganda National Household Survey (UNHS 1992-2003) data indicates that around 20 per cent of Ugandan households are chronically poor and more than 10 per cent of the poorest households moved into poverty between 1992 and 1999. The Uganda Strategic Country Gender Assessment (World Bank 2005) revealed that women bear the brunt of domestic tasks, in addition to agricultural and other productive work.

In Uganda, there is evidence of critical gender related barriers to access to justice. These include substantive law issues relating to gender biased laws (particularly concerning divorce, adultery and defilement) and differences in burden of proof requirements, administration of law issues including physical access, training and orientation of staff and delays in the delivery of justice. There are significant gender inequalities with regard to the right to property. Land is a critical resource for over 90 per cent of households in Uganda, and women own only 16 per cent of the registered land (Gender Baseline Study: Land Sector, 2004). Apart from a few, economically advantaged women, the majority have only user rights determined by the nature of the relationship they have with a male land owner-father, husband or brother (UGP 2007:9).

Furthermore, gender based violence in its various forms (domestic violence, sexual harassment, trafficking, rape and defilement) is still a critical concern to the Ugandan society. The UDHS (2006) indicates that 60 per cent of the women and 53 per cent of the women aged 15-49 years experience physical violence, 39 per cent of the women experience sexual violence while 16 per cent experience violence during pregnancy. Similarly, it was reported that 48 per cent of ever married women reported physical violence by their husband or former husband (UGP 2007:10). Furthermore, in the family sector, laws on domestic relations, inheritance, domestic violence, sexual offences and on land and property remain negative and oppressive to the advancement of gender equality and women's empowerment.

In the light of the above observations, our concern in this paper is to interrogate the contribution of women in policy and legislation formulation and implementation to address the concerns that were identified during the

constitution drafting process and the current remaining policy and legislation gaps particularly in the family, health and educational sectors. Our main argument is that although women as individuals and groups and/or networks have made some contributions towards advancement of gender equality and empowerment of women in economic, social and political spheres, there is still much more to be done. This is because the institution of patriarchy is still strong and sufficient gender mainstreaming in the determination of policy choices and legislations and how these affect the quality of life for both women and men particularly in the areas of family, health and education is still lacking in Uganda.

In analysing the above research issue, the concept contribution was found to be problematic. Policy and legislation formulation and implementation is done by various actors in society, including both men and women. Successes and failures cannot be attributed to one gender. Therefore, singling out the contribution of women alone poses conceptual dilemmas. Nevertheless, we have devised a conceptual framework that dissects the concept contribution and how it can be measured qualitatively and which also presents benchmarks that will help to carry out an impact assessment of the women's contribution over the years.

Conceptual Framework

To assess the impact of the contribution of women in formulation and imple-mentation of legislations and policies in the health, education and family sec-tors, it is important to identify the relevant legislations and policies in those sectors. It is also vital to analyse the extent to which women as individuals and groups or networks have influenced the legislations and policies in terms of gender mainstreaming, participation, recognition of women's role in the provision and use of resources, integrated planning, financial framework and advocacy. But what do these benchmarks really mean?

Gender mainstreaming, the first benchmark, is a process to ensure that the concerns and needs of both women and men are considered in all planning and policy-making and that all policy-makers are aware of the needs of women and men and their roles and responsibilities. It is a conscious approach of an organisation to take into account gender equality concerns in all policy, programme, administrative and financial activities as well as organisational structures and procedures. In order to realise gender mainstreaming, it is important to modify the legal framework. Is the legal treatment of men and women equal? Are men and women equal under and before the law? Are gender-issues integrated into the constitution?

Similarly, the establishment of a political framework for using targeting measures to narrow the gender gap is crucial for gender mainstreaming. To have a viable political framework and to monitor the legal framework, an

institutional framework for gender issues must be established and functional. To what extent have the women pushed and realised a political, legal and an institutional framework which facilitate gender equality and women's empowerment? Has the institutional framework enabled women to fully realise the desired affirmative action?

Furthermore, a financial framework is crucial for realising gender-aware policies and to demonstrate political commitment to gender mainstreaming by allocating sufficient resources to gender integrated policies. How have women worked towards achieving such a framework?

The second benchmark is participation. With some exceptions, women are generally under-represented at the decision-making level in the most critical sectors and are rarely consulted regarding public projects. Sometimes, women are placed below men as Vice-chairpersons when clearly the women are better qualified and more capable. It is important for every progressive government to always consult women leaders at various levels and ensure their participation in order to formulate legislations and policies that reflect their needs and demands. Consultations are also necessary when appointments are being considered, so that capable women are selected.

If this is not done, the tendency to blame all women when one woman disappoints the society will persist. A participatory framework is therefore crucial for involving beneficiaries in public policy through stakeholders-participation by working in collaboration with government, development organisations, and civil society organisations. Ultimately, women's equal participation, their perspectives, knowledge, and experiences are all crucial to the creation of a more just, prosperous, and peaceful nation. Participation therefore implies contributing and taking part in the implementation of, and benefiting from development interventions, including resource allocation and utilisation, as well as decision making, planning, and administration. The question for us is: 'to what extent have women been consulted and involved in the formulation and implementation of the existing policies and legislations in the health, education and family sectors?'

The third benchmark is the recognition of women's role in the provision and use of resources. A progressive policy and legislation in which women's contribution is reflected should recognise women's role in the provision and use of resources in relation to their needs. To what extent have women promoted gender and equity budgeting? Gender and equity budgeting does not produce a separate budget but is an analytical tool applied to mainstream budgetary processes.

The fourth benchmark is integrated planning. The contribution of women should shape policies to have an integrated planning (IP) approach, which recognises that gender issues have multi-disciplinary (political, social,

economic and environmental) aspects. Gender mainstreamed policies should promote a demand-driven approach towards planning. Policies that have gender awareness should promote the production of gender-disaggregated data on males and females. This can be used as a tool to enlarge the knowledge of women on the use of resource and how to articulate their demands.

This conceptual framework should help us to make an impact assessment and analyse how women's groups/networks, and even women in government departments, have influenced policy and legislation making and implementation to the advancement of gender equality and women's empowerment.

International and Constitutional Provisions that Create Political Space for Women

The Existing Legal Framework

Prior to the 1995 Constitution, there were hardly any policies that focused on the advancement of gender equality and empowerment of women in health, education and family. Although there were legislations in education (Education Act 1970) and in the family sector – the Marriage Act (1904), Divorce Act (1904), Succession Act (1906) existed. However, none of these laws were gender compliant and yet no government at the time made attempts to amend them.

Women in Uganda constitute the largest single social group, comprising 51 per cent of its population according to the 2002 Census. Uganda recognises the importance of protecting women's rights because of their vulnerability. Indeed, women's vulnerability arises from their unequal social status and from the unequal power relations they have with men. Women's responsibilities in care giving, economic production and community activities give them a heavy work burden. This makes women generally poorer than men.

To promote and protect the rights of women, Uganda is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1995 but is yet to sign its optional protocol. Furthermore, CEDAW states that…'the full and complete development of the country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields'.

The convention provides the basis for realising equality between women and men through ensuring women's equal access to and equal opportunities in political and public life as well as education, health and employment. It affirms the reproductive rights of women, and targets culture and traditions as influential in shaping gender roles and family relations. Countries that have signed or ratified the convention are legally bound to put provisions into practice. It basically defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

According to the convention, discrimination against women is defined as '…any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing, nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field'. States committed themselves to undertake a series of measures to end discrimination against women in all forms, including:

- To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- To establish tribunals and other public institutions to ensure the effective protection of women against discrimination, and;
- To ensure elimination of all acts of discrimination against women by persons, organisations or enterprises.

In 1995, the fourth World Conference on women took place in Beijing and produced an outcome document popularly known as the Beijing Declaration and Platform for Action. It set out its goals as gender equality, development and peace and constituted an agenda for the empowerment of women. 'The objective of the Platform for Action is in full conformity with the purposes and principles of the charter of the United Nations and international law and that is the empowerment of women. The full realisation of all human rights and fundamental freedoms of all women is essential for the empowerment of women'. Uganda participated and supports the Beijing Document. The Beijing Platform for Action identified 12 critical priority areas to achieve the advancement and empowerment of women. Uganda also supports and is a signatory to the Common Wealth Plan of Action on Gender Development: Advancing the Common Wealth Agenda into the New Millennium (2005-2010), the International Conference on Population and Development (1994), and The Convention on the Rights of the Child (CRC 1990).

Together with 190 other governments, Uganda signed the United Nations Millennium Declaration (MDG) in 2000 and is working towards the achievement of eight measurable, time-bound Millennium Development Goals, centered on having poverty reduced by 2015. MDG 3 is aimed at promoting gender equality and women empowerment.

At the regional level, government of Uganda is signatory to the African Charter on Peoples and Human Rights; the East African Community (EAC) (2000); the Common Market for Eastern and Southern Africa (COMESA) Gender Policy (May 2002); the Protocol on the Rights of Women in Africa

(July 2003); the Intergovernmental Authority on Development (IGAD), Gender Policy and Strategy (July 2004); the New Partnerships for African Development (NEPAD), Social Indicators Programme and the AU Heads of State Solemn Declaration on Gender Equality (July 2004).

At the national level, the Constitution of the Republic of Uganda makes a commitment to the promotion and protection of social justice and equality of all Ugandans. One of the national objectives is empowerment and encouragement of active participation of citizens, including women, in their governance at all levels. The Constitution further states that all Ugandans, including women, shall have access to leadership positions at all levels in Uganda. The Constitution under National Objectives and Principles of State Policy (VI) stresses that the State shall ensure gender balance and fair representation of marginalised groups on all constitutional and other bodies.

From a gender perspective, the Constitution of the Republic of Uganda is acclaimed as being one of the gender sensitive constitutions in Africa. This fact is testified to by a number of articles that include:

- Article 21 which provides for equal treatment in all spheres of life under the law, regardless of sex;
- Article 26(1) which protects all persons from deprivation of property;
- Articles 31(1) which entitles women and men to equal rights during and after marriage;
- Article 32(1) which mandates the State to take affirmative action in favour of groups marginalised on the basis of gender or any other reason created by history, tradition or custom;
- Article 33(4) which further asserts that the State shall provide facilities and opportunities necessary to enhance the welfare of women to enable them realise their full potential and advancement;
- Article 33(5) which accords affirmative action to women for purposes of redressing the imbalances created by history, tradition or custom. It should be noted here that the Uganda Parliament is composed of 32.2 per cent women and at local government level, women hold 30 per cent of the positions;
- Article 33(6) which prohibits 'laws, cultures and traditions, which are against the dignity, welfare or interest of women and undermine their status';
- The Constitution also mandates Parliament, among other things, to make laws for the establishing of an Equal Opportunities Commission (EOC) for the purpose of giving effect to constitutional mandates expressed therein.

As noted above, Article 32 of the Constitution promotes affirmative action in favor of marginalised groups, including women. Apart from being eligible and able to compete equally with men to represent all the constituencies in Parliament, women have been reserved a special seat (Woman District Member of Parliament - MP) to represent each of the districts of Uganda. This affirmative action has increased the number of women in politics and in positions of decision making. By the end of 2007, there were 103 women Members of Parliament, 80 of them as a result of affirmative action representing districts while the rest represent interest groups (Youth, PWDs, Army, and Workers). This has enhanced acceptance of women as leaders and has increased their self confidence and leadership skills. In other words, the main achievement of affirmative action is the increased level of representation and participation of women in politics and decision making, both at the national and local levels. Increased number of women in politics and decision making has enhanced their visibility in public office, legitimised their presence in areas previously considered to be male domain, and de-mystified some of the public offices such as that of the Vice President. Women in politics and decision making at all levels have provided role models for other women, with the result that more women today are willing to stand for political positions than was the case earlier.

As will be discussed later, despite these achievements, the aspect of affirmative action related to representation in politics and decision making has tended to overshadow other aspects of the policy, and yet, affirmative action is a short-term measure aimed at redressing imbalances caused by history, tradition and custom which should not be limited to political representation.

Actual Practices: Selected Policies and Legislations in Health, Education and the Family Sectors in which Women have Made a Contribution

Political and Institutional Framework

As noted above, the legal framework for mainstreaming gender was embedded in the Constitution of 1995. Subsequently a political framework was established with the publication of the National Gender Policy in 1997. This was crucial for gender mainstreaming, and targeting measures to narrow the gender gap is crucial for gender mainstreaming. To implement the political framework and to monitor the legal framework, an institutional framework for gender issues was also established, which is now the Ministry of Gender, Labour and Social Development (MGLSD). Section 6.0 of the Uganda

Gender Policy (2007) points out that the Ministry of Gender, Labour and Social Development, has the overall responsibility of spearheading and co-ordinating gender responsive development, and in particular ensuring the improvement in the status of women. The national machinery as part of the government provides policy guidelines on gender, gives technical support in gender mainstreaming to stakeholders and is involved in the development of gender policies in other sectors, acting both as a catalyst and a facilitator/ expert on gender issues. A major task of the Ministry is to organise seminars and workshops to sensitise different categories of policy makers and pro-gramme planners to gender issues. The target group is ministers, permanent secretaries, senior officials, members of district development planning com-mittees; men and women a task which the Ministry has not been able to accompolish.

Mechanisms for Gender Mainstreaming

Technical, institutional and policy framework in gender mainstreaming are part of some of the efforts that have been undertaken by the government support legal reforms. Uganda, like many other African countries, has com-mitted itself to implementing the international instruments and programmes of action. As noted earlier, in 1985, Uganda committed itself to the Conven-tion on the Elimination of All Forms of Discrimination against Women (CEDAW) without any reservations. Uganda has been an active participant in the International Conferences on women. In addition to CEDAW, Uganda has committed itself to implement the Beijing Platform for Action. In 1988, The Ministry of Women in Development was started by Government to act as the lead agency in the task of improving the status of women. In 1991, it became the Ministry of Women, Youth and Culture. The change brought lim-ited focus on gender due to the new functions of youth and culture that were added.

In 1994, the Ministry was restructured to include community development. It was renamed as the Ministry of Gender and Community Development. In 1999, it was again restructured to become the Ministry of Gender, Labour and Social Development.

The restructuring processes aimed at increasing efficiency and effectiveness of the civil service; reducing government expenditure and motivating workers. Retrenchment led to reduction of the Ministry staff to a skeletal level that could hardly cover the whole country, taking into account the policy and implementation of decentralisation. While planning took place at district level, there were no Gender Officers (technical staff). This undermined the initial efforts that had been undertaken to mainstream gender in the government

planning processes (Keller 2002; Ssonko 2002) and also reduced the Ministry's visibility as the national machinery for bridging the gender gap.

The Ministry of Gender, Labour and Social Development has been one of the most under-funded ministries. Since its inception, it largely depended on funds from DANIDA that were terminated in 1998 because, according to DANIDA, the Government was not meeting its financial obligations as a 'counterpart to DANIDA funding' (Keller 2002). In spite of this, the Ministry, under the leadership of women, has made some improvements in providing and building the national machinery; for example, by initiating adult literacy programmes and teaming up with women networks to have the Equal Opportunities Commission (EOC) Act and Policy passed by Parliament.

With the backing of the Ministry of Gender, Women's Councils were established under the National Women's Council Act 1993. These are structures that are charged with the responsibility of fostering the social and economic development of women. However, as one respondent during the research that preceded this paper remarked, 'women councils have only been used for political purposes rather than fostering economic development. Women councils are used as mobilisation tools for political campaigns' They are composed of five women and start at Local Council levels one (village level and smallest government unit of administration) to local council five (district level). The chairpersons of the Women ouncils I and II become automatic members of Local Councils I and II respectively. However, when it comes to Local Council III upwards, the two structures are separated and there is no relationship between them. Indeed, the women council statute is not provided for in the Local Government Act and is hence not recognised as a structure by the Local Government. Therefore, women Councils do not receive funding or technical support from local governments. Under multi party system, there have been calls to remove the women councils.

National Gender Policy: In spite of the above institutional provisions, the Ministry has done some recognisable work on gender; for example, it prepared the National Gender Policy that was approved by the cabinet in 1997.The overall goal of the gender policy is to mainstream gender concerns in the national development process in order to improve social, legal/civic, political, economic and cultural conditions of people in Uganda particularly women. It recognises gender relations as a development concept in identifying and understanding the social roles and relations of women and men of all ages and how these impact on development.

The National Action Plan (1999/2000 – 2003/2004) identified four critical areas of concern for the government of Uganda. These were poverty, income generation and economic empowerment; reproductive health and rights; legal

framework and decision making; and the girl child and education (Ministry of Gender 1998). The first disadvantage, however, was that the relationship between this plan and the other national development plans was not clear. Secondly, it was developed without any financial considerations or a monitoring and evaluation framework.

Nevertheless, under the leadership of able women, as Table 1 shows, and with support of women Civil Society Organisations, the Ministry undertook to appraise the effectiveness of the National Gender Policy. This was with the recognition that the national development process in Uganda has not been static. The adoption of major policy shifts like the Poverty Eradication Action Plan and Decentralisation Policy which were major policy shifts warranted the revision of the NGP. The revised version makes clear links to all major policy initiatives in Uganda (NGP 2007:v). 'We are yet to see how the revised National Gender Policy impacts on other policies in place or those that are yet to be formulated'.

Table 1: Gender Categorisation of Key Decision Makers in the MGLSD

Position	Female	Male
Minister	1	
State Ministers	1	2
Permanent Secretary	1	
Director Gender	1	
Director Labour		1
Under Secretary	1	
Commissioners	2	
Assistant Commissioners	2	
Principal Asst Sec		1
Principal Accountant	1	
Principal personnel officer	1	
Total	11	4

Source: Field Data, October 2007

Health Sector

National Health Policy

In 1993, the Ugandan government produced a Health Policy White Paper and a three-year Plan Frame 1993–1996 (extended to 1997/98). During this planning period, health policy focused on consolidating existing PHC services and addressing AIDS. From 1998 onwards, the eradication of poverty in the health sector became the priority.

The development of a new national health policy for Uganda for the period 1999–2009 began in 1996; the policy was approved by the cabinet in 1999. The New policy signifies a transition from emergency relief operations within the health sector to a social development perspective on health (Ministry of Health 1999a). Its overall policy goal for the current National Health Policy (1999–2009) is the attainment of good standard of health by all people in Uganda, in order to promote a healthy and productive life (NHP 1999).

Gender Mainstreaming: The National Health Policy is gender compliant. Its guiding principle (i) states that: a gender sensitive and responsive national health system shall be achieved through mainstreaming gender considerations in planning and implementation of all health programmes. Gender sensitivity will require that gender related barriers to health care be removed. Equal weight shall be given to knowledge, values and experience of women and men, and that they participate equally in research, policy and decision making. Sexuality and sexually related behavior and gender relations including child sexual abuse, violence against women, genital mutilation and other harmful practices shall be routinely taken into consideration and addressed in collaboration with the relevant stakeholders.

Under the Uganda National Minimum Health Care Package (UNMHCP) a mechanism that should allow cost-effective, integrated implementation of health problems, gender mainstreaming comes out prominently. The minimum health care package consists of the following: control of communicable disease (malaria, STI/HIV/AIDS, Tuberculosis); integrated management of childhood illnesses; sexual and reproductive health rights (sexual ante-natal and obstetric care, family planning, adolescent reproductive health, violence against women); and other public health interventions. Under Section 6 – Health Financing, government commits itself to focus the use of public resources (including official development assistance) on health services that are demonstrably cost-effective, have the greatest impact on reducing mortality and morbidity, and/or have a clear bias to protecting the poor and most vulnerable population as well as taking due consideration of the gender related health care needs and concerns.

Participation of Women in Formulating the Policy: Policy formulation involved a wide range of stakeholders. This is reflected in the concluding section of the NHP which provides that:

> The consultative process that was applied in developing this policy document has generated wide consensus on the priority health development objectives and the strategies for achieving them. It is hoped that the same spirit of collaboration will prevail during period of implementation (NHP 1999).

Participation in policy formulation through national workshops is however viewed by some women as inadequate. During the research that generated the data for this paper (interviews), views of such nature came up from well known academic intellectuals. For example, one observed that:

> The process of policy making is more internal and many women are not involved. Some of us are brought in at the last minute to make comments or critique what is presented during workshops (*interview with Grace Bantebya*).

Similarly, implementation of policy is not gender compliant as one of the respondents recollects:

> In the Ministry of Health, we can say ideally women participate but at lower levels of carrying out their work. But if we talk of decision making, there is no participation because there are few women in positions that matter to take decisions. For example, MoH has only one woman placed in the decision making bracket as a Permanent Secretary who has been in that decision for less than one year. Perhaps, the other woman I can point out is the head of nurses. So we cannot expect women to take decisions or influence policy when they are not at the top decision making level (interview *with Christine Mubiru).*

The above observation is supported by the findings as Table 2 summarises the gender representation in the Ministry of Health (MoH) at the top management level.

Table 2: Gender Categorisation of Key Decision Makers in the Ministry of Health

Position	Female	Male
Minister		1
State Ministers	2	
Permanent Secretary	1	
Directors		2
Director General	1	
Under Secretary		1
Commissioners/Heads of Departments	1	7
Assistant Commissioners		2
Total	2	16

Source: Field Data, October 2007

Financial Framework: Recurring health budget funding on part of the government has gradually increased from 43 per cent in the early 1990s to 63 per cent in 1997/98 (MOH 1999a).

International donor agencies were expected to fund the remaining part. The annual per capita expenditure for health, including government and external contributions, at the time was USD $3.95 (MOH 1999b; MOFPED 1998).

The Uganda Essential Drugs Management Programme (UEDMP), now known as Uganda Essential Drugs Support Programme (UEDSP), was founded in 1985 (Okuonzi & Macrae 1995). Since then, health care has been centred largely on the issue of pharmaceuticals (Danish Red Cross 1999). Considerable funds are invested in pharmaceuticals, tending to make them the focus of the health care system. Drugs have great value on the grey market, and illicit drugs can be purchased in local shops and stands. Several studies pointed to a wholesale disappearance of drugs from public health facilities (Economic Policy Research Centre et al. 1996, Adome et al. 1996).

Recent health reforms have centred on systemic problems and on capacity-building in key support systems. The system is primarily underwritten by external funding, although administered by largely unmotivated civil servants. This external funding does not include the payment of salaries, but only covers a per diem for health staff and travel expenses outside the country. This inadequate compensation is partially offset by bonuses that often attract more attention than the job itself. Since funds are generally not requested from below, but distributed from above, there is only a very limited sense of ownership in the items procured or the infrastructure built. Where there is no participatory involvement on the part of the local community or district leaders, or women maintaining district programmes becomes a problem, and many of these health facilities soon end up in a deplorable state (Hultberg 1999).

The heavy reliance on external funding unbalances the system and decreases its long-term sustainability. Most foreign officials are only concerned with specific projects, rather than the overall system. The broadest goal of public health policy, namely the building of a comprehensive and sustainable health care system, receives insufficient attention, while smaller projects or programmes are often over-funded, pursuant to the interests of international donor agencies. Health care is virtually transformed into a biomedical product that is donated to the beneficiaries for their consumption.

In another development, the resource envelope within the Medium Term Expenditure was expected to grow from 4,051 billion in 2005/2006 to 4,276 billion in 2006/2007. In spite of the projected increase in overall expenditure government planned to reduce expenditure on health – 13.7 per cent to 9.7 per cent. The assumption was that government would increase reliance on the provision of health care by the private sector. However, this move has had a negative impact on the welfare of women by reducing household expenditure as well as increasing the burden on home based health care services.

Women's Role in the Provision and Use of Resources: There is no evidence in the Ministry of Health that women have influenced the process of budgeting so that mainstreamed gender programmes are prioritised. Key positions in the Ministry on policy formulation and implementation are occupied by males as already discussed above.

Integrated Planning: The National Health Policy and Strategic Plan Frame were formulated within the context of the provisions of the constitution of the Republic of Uganda 1995 and the Local Government Act, CAP 243 that provides for decentralised governance and service delivery. In addition, the Health Policy derives guidance from the National Health Sector Reform Programme and the National Poverty Eradication Programme (PEAP). The Policy also strongly reflects the Alma Ata Declaration of Health for All (HFA) strategy. In addition, SWAP has rallied those in the health sector around a single policy and the implementation of a single national strategic plan, and the use of a common management system.

Water Act

The Water Act came into force in 1995. It provides for the use, protection and management of water resources and supply, the constitution of water and sewerage authorities and facilitates the development of water supply and sewerage undertakings.

Gender Mainstreaming: The Act is gender neutral and even where bodies for the management of water are created; there is no effort to ensure that there is representation of both women and men on the bodies created. This is unfortunate because Uganda is a male dominated society and its institutions are still male dominated.

Participation: In the Ministry of Environment and Water out of sixteen key people involved in policy only five are females as shown in the Table 3.

Table 3: Gender Categorisation of Key Decision Makers in the Ministry of Environment and Water

Position	Male	Female
Minister of Environment and Water		1
Minister of State for Environment and Water		2
Permanent Secretary for Water and Natural Resources	1	
Directors	2	
Commissioners	8	2
Total	11	5

Source: Filed data, October 2007

Decisions are made from the position of Commissioners upwards, and if this Ministry has not had a gender awareness and analytical training, it would be difficult to address gender related concerns of men and women. There is no evidence that the Water Act and the National Water Policy were a result of nation-wide consultations in which women would have made a contribution.

Women's Role in the Provision and Use of Resources: In Uganda, women still encounter many barriers to participate in community development activities, including water projects. These barriers include refusal by husbands to attend meetings that address issues of safe water, discrimination, subordinate roles, weak leadership, lack of mobilisation, lack of time and failure to see the benefit of their participation. Their participation in water projects is largely centred on the provision of their labour for unskilled work, often adding to their already heavy workload. Women are generally better maintainers of water facilities than men. Because of their routine involvement in water collection, women are generally aware of the breakdowns and leakage when they occur, and can carry out routine preventive maintenance. Moreover, once trained, women tend to be more reliable and have a lower turn over rate than men who often migrate to look for jobs in towns and the city. This is particularly true of older, married women. Women also have an edge over men because of their greater ease of relating to other women users. Where women have been involved in water committees or other management bodies, they have often been taken as representatives with a passive role and few real responsibilities. In addition, women are rarely, if ever, given training in the organisational and technical skills needed to successfully implement and maintain water projects (Kabonesa and Happy 2003).

Women have been particularly active in the financial aspects of water supply projects such as fundraising, fees collection, keeping funds and the supervision of local boards, due to their perceived willingness and dependability in these roles. In the north east the Karamojong women's groups collect funds for water projects from the sale of traditional beadwork. Once the initial money is raised, the women convince their husbands to make large donations (Alina 1985).

Education Sector

National Education Policy

Policies that Promote and Protect the Rights to Education: International standards require that education and educational institutions must be available, accessible (both physically and economically without discrimination), acceptable in terms of cultural relevancy and quality) as well as early adaptable in the context of cultural settings. Furthermore, among other things the State, under the International Covenant on Economic, Social and Cultural rights (Article 13) is enjoined to establish free and compulsory primary education.

Under the Constitution (Article 30), the right to education is provided for. It is also provided for under the Children's Act. Education is one of the national programme priority areas of the Government of Uganda (GoU). To operationalise this priority which is in the PEAP, MoES developed the Education Sector Investment Plan (ESIP) with the following strategic objectives: to ensure universal and equitable access to quality basic education for all children; to ensure equal access by gender, district and special needs at all levels of education; to improve the quality of education, sports and training at all levels; and to build capacity of the districts by helping education managers to acquire and improve on their knowledge, skills and attitudes to be able to effectively plan, monitor, account and perform other managerial functions. To ensure the provision of education, government has developed and implemented the following programmes:

Universal Primary Education (UPE): In 1997, GoU introduced UPE with the aim to broaden access to primary education. The implementation of UPE has progressively improved over the years, particularly in the areas of training and recruitment of more teachers, construction of more classroom blocks to accommodate the increasing numbers; and purchase of instructional materials. The programme which initially targeted four children per family now covers all children of primary school age. It should however be noted that UPE provides free but not compulsory primary education, hence there are still some children who are not enrolled. Similarly, UPE is only free as far as tuition fee is concerned. Pupils are still required to purchase other scholastic materials like exercise books and pens which some parents find prohibitive. Furthermore, UPE implementation is constrained by huge short-falls of qualified teachers, high pupil classroom and pupil text book ratios all affecting the quality of education.

To ensure that Universal Primary Education is accessed by children all over the country, and specifically the vulnerable areas, GoU together with development partners designed tailored education programme that suits unique circumstances in some remote and difficult areas. These include Alternative Basic Education for Karamoja (ABEK) being implemented in collaboration with Save the Children in Uganda and multi-grade teaching in sparsely populated areas like Kalangala District.

Universal Post Primary Education and Training (UPPET): Following the success of UPE in ensuring free access to education for all children in Uganda, government has come up with the UPPET policy to ensure that pupils who complete the primary school cycle are absorbed into post-primary institutions. The UPPET programme started in 2007. In recognition of the limited capacity of government aided secondary schools, government has

co-opted private post-primary institutions to participate in the implementation of the programme. It is however observed that the programme is allocated limited resources (27,000/- per pupil per term), which often affects the delivery of quality education.

There are many challenges to the enjoyment of the right to education. Overall, the effectiveness of these apparently good educational programmes has been questioned by many people. Much as primary school enrolment has improved tremendously over the years following the introduction of Universal Primary Education Policy, the drop out rate is still very high, at 52 per cent in 2006. According to the Ministry of Education and Sports, out of two million pupils who enrolled in primary schools in 1987, only 433,010 (25 per cent) sat their Primary Leaving Examinations in November 2004. The other issue of concern is with regard to the quality of education that children are receiving under UPE. According to a study done under the National Assessment of Progress in Education (NAPE), numeracy levels of Primary Six (P6) pupils has slipped from 41.5 per cent in 1999 to 20.5 per cent in 2003. The study also found out that the performance of children in urban schools was much better than those in rural areas where the majority of children study. The literacy and numeracy levels in P6 in urban schools stood at 40 per cent and 68 per cent respectively in 2003 against 8 per cent and 15 per cent for rural schools. There are also regional inequalities with regard to the delivery of education, especially with respect to the northern region. It has been observed that while many children are going to school, many drop out before Primary five (P5) or graduate without even mastering a minimum set of cognitive skills. This has been attributed to overcrowded classes, poorly qualified teachers, and ill-equipped schools, difficulties by parents to provide lunch, scholastic materials and school uniforms to the pupils. Furthermore, PWDs have not been able to enjoy the right to education because most of the existing schools are not accessible to them in terms of facilities specifically required by PWDs.

Education Act
The Education Act which is the principle legislation was enacted in 1970. The Act provides for the development and regulation of education, and for registration and licensing of teachers in public and private schools. It is completely gender neutral and fails to take into consideration the gender related barriers to education (FIDA-Uganda 2006:26).

Education Bill 2006
The Draft Bill proposes to amend, consolidate and streamline the existing law relating to the development and regulation of education and to provide for vocational training. It will repeal the Education Act of 1970 and the In-dustrial Training Act.

Gender Mainstreaming: The draft law focuses on opening opportunities for all, regardless of gender.

Participation: The Bill is at the level of Cabinet. There is no evidence of active participation of women organisations/networks during the drafting of the Bill**.** Even the two members of the Education Service Commission who are females have not been consulted so far to make an input.

Family 'Sector'

The Energy Policy Process

In the early 1990s, the Ministry of Energy and Mineral Development identified areas in the energy sector that needed extra attention. One of these areas was electricity. The main focus of the Ministry was first to develop a policy framework dealing with the supply and demand of electricity. This was necessary because the Ugandan government had an ambitious economic recovery programme, with emphasis on the industrial sector. Over the years, pressure increased on the electricity supply capacity that was available. With the pressure and the demands of the economic recovery programme, there was a need to develop policies and guidelines to increase the power supply. Thus, the ministry started with the development of the Power-sector Strategy Plan in the mid-1990s, which provided the framework for the policy, strategy and action plan for the power sector. The main issues in this action plan were the increase of the power generation, the development of new power plants and the privatisation of the Uganda Electricity Board. The plan was based on an already existing power strategic plan, but several stakeholders in the energy policy process found that the plan did not sufficiently cover all the problems in the power sector, like involving the private sector in the energy supply and distribution.

In 2000, with the assistance of consultants from GTZ-Germany, government developed a National Energy Policy. Previously, annual ministerial policy statements had driven Uganda's energy sector on the budget. However, the importance of the energy sector in the economy requires the adoption of a long-term planning approach for energy development. In particular, the liberalisation of the energy sector, in line with the overall macro-economic policies, required the availability of a clear, long-term policy to encourage project development and to harmonise sector activities.

Participation: The energy policy formulation process was driven by the experiences and knowledge available in the ministry. Various groups of expertise within the ministry formed a task force, which collected data by stakeholders through participation and consultation on rural energy, power,

electrification, petroleum, also including several aspects of gender, like access to resources and energy, use of men and women. After consulting the stakeholders, the task force discussed priority issues and started formulating a first draft. The latter was carried out mainly by staff members of the Ministry for Energy and Mineral Development and the Ministry of Finance and Planning. Then a couple of workshops with the task force and some operators in the sector were organised to put the findings in a report and send the draft of the energy policy to the stakeholders for comments. After receiving the comments from the stakeholders, the draft version of the energy policy was adjusted in relation to the comments. The final document was publicised in September 2002.

From a ministry point of view, one of the problems that were faced in the formulation of the energy policy is the fact that there is no single officer who is in charge of the energy policy at the district level. There are people in charge of water, education, environment, etc., but nobody for energy and neither is energy mentioned in the district plans. So, despite the decentralisation policy of the Ugandan government, it is difficult to involve the local governments in energy policy. Another challenge for the Ministry for Energy and Mineral Development is to see how to integrate energy into the development plan as a whole. In PEAP and the proposed new development plan, energy is prominent and is recognised as having a direct impact on poverty alleviation.

Gender Mainstreaming: Stakeholders participated during the energy policy formulation process, since they were consulted about all the aspects within the energy policy. These were not only public institutions, but also international development organisations, NGOs, CBOs and private companies dealing with energy issues. One of the stakeholders was the East African Energy Technology Network. Although the participants' objectives included integration of gender and women's issues into the policy, specific organisations aiming at women empowerment or gender equality did not participate in the consultation process. Furthermore, although the Minister of Energy and Mineral Development was female at the time, there were hardly women who worked in decision-making positions within the ministry.

The recognition of women's role and energy needs in the energy policy of Uganda is made explicit in some sections of the policy, but mostly the policy speaks about households. Considering the fact that women are the main users and providers of household energy, these sections in the policy are indirectly aimed for women. However, the productive role of women is neglected in the energy policy, in view of the fact that the Ministry did not link the National Energy Policy with the National Gender Policy. Therefore,

as far as the Energy policy is concerned, women have not made any meaningful participation and impact to achieve gender equality and women's empowerment.

Integrated Planning: The need for an appropriate energy policy is recognised by the 1995 Constitution, which states that 'the State shall promote and implement energy policies that will ensure that people's basic needs and those of environmental preservation are met'. The Poverty Eradication Action Plan (PEAP) also recognises energy as having a direct impact on poverty alleviation. As a result, a partial integrated energy policy was developed, not only looking at one sector of energy, but at all the sectors related to energy; petroleum (both upstream and downstream) supplies, new and renewable sources of energy, and energy efficiency. I refer to integrated planning as partial because a policy that is partially gender compliant cannot be treated as having achieved integrated planning.

The Domestic Relations Bill

The Domestic Relations Bill (DRB) has a relatively long history that dates back to the 1960s during which period the Government of Uganda (GoU), together with the women's movement, has been working towards having a just family law. The DBR is thus a reflection of a sustained and comprehensive consultative process that aims at consolidating all domestic related laws, namely marriage, divorce, separation, inheritance and property rights…The proposed law is intended to regulate relations in marriage and the family and will be crucial in determining, particularly, the legal status of women and children, thus not only enhancing family but also national stability and ultimately poverty reduction (UWONET 2004).

Gender Mainstreaming: The Domestic Relations Bill is a crucial piece of legislation for Ugandan women. It addresses women's property rights in marriage and women's right to negotiate sex on the grounds of health, sets the minimum age of marriage at eighteen, criminalises widow inheritance. As a compromise measure, bride price will not be prohibited, but the payment of bride price will no longer be essential for the formalisation of customary marriages, and any demands for the return of marriage gifts will be an offence. The bill criminalises marital rape and provides for civil remedies, such as compensation and restricting orders. The grounds for divorce are equally applicable to both spouses and alimony is provided for. The Domestic Relations Bill continues to exclude cohabitation from the presumption of marriage, but provides parties to such relationships with certain rights, including the right to register the fact of cohabitation and particulars of any monetary or non-monetary contributions made. A competent court may then distribute the

property equitably in accordance with those contributions, and may do so even when registration has not taken place. Polygamy is also strictly regulated by guidelines that provide for the economic support of all wives. The bill also provides for equal sexual rights and establishes more equitable grounds for divorce.

Participation: The DRB was first tabled before Parliament on 9 December 2003. It was referred to the Committee on Legal and parliamentary Affairs by the House. However, the Bill was not brought back to the House until 2 May 2005. Members of Parliament were ready to debate the Bill but the responsible Minister could not move a motion to have it read for the Second Time because it was considered that sufficient consultations had not been made on the Bill, especially from the Muslim community which strongly opposed the Bill. Parliament requested the executive to inform them of the areas of objection raised by the Muslim community and to present details of these to Parliament.

"When we made the initial attack on the proposed Bill, the law Reform Commission, made several revisions to the report they had prepared. For example, they altered the earlier stand on the number of wives a man may be 'allowed' to marry. Instead of the original position of two wives, they made it four. But they left in place the ridiculous conditions that one must fulfill to be 'allowed' to marry another wife…Anti Muslim forces have intensified to recruit women to their side by drumming up the badness of polygamy. So far there have been no reported cases of success; at the same time this is a matter to watch carefully. However, 'educated' we think we are, Islamic law cannot change to accommodate the wishes of an individual wife whose priority in life is to be an only wife" (Abasi Kiyimba 2000:36-37).

On 9 May 2005 the Minister of justice and Constitutional Affairs made a statement about the contentious clauses of the Bill to parliament. The second reading was adjourned to enable exhaustive consultations with the Muslims and others opposed to the Bill. By the end of the 7th parliament, the Committee on Legal and Parliamentary Affairs had concluded its consideration of the Bill and prepared a report in which it proposed several amendments to the Bill. But because the Bill was not passed into law, it lapsed.

This Bill had reached this far because of significant contribution from women. At the time UWONET headed the DRB Coalition made of up forty eight Civil Society Organisations. The coalition was able to carry out research (UWONET 2004), mobilise various stake holders to appreciate the need to have a consolidated, gender mainstreamed legislation, and organised workshops to strategise getting the Bill Back on to Government's agenda.

The spirit of participation and contribution of women is captured in some of the voices at the consultative workshop held on 27 July 2006 to strategise how to carry the struggle forward to have the Bill back to the public agenda:

> It is not right to say that the process of advocating for the enactment of the DRB has been handled only by elite women; over the years it has involved many women and a wealth of information has been collected (Kakooza 2006:55).

There is no single piece of legislation in Uganda that has had as much research as the DRB, which is very telling. Once one attempts to change power relations within the family, this is bound to change each and everything within and outside the family by one stroke of one piece of legislation. This certainly spills over. This is why the struggle has taken this long (Kakooza 2006:55).

The DBR has not been passed as law which would promote gender equality and women's empowerment for a number of reasons: i) limited awareness about its provisions resulting into a misconception that it is intended to promote alien (western) culture; ii) misinterpretation as a women rather than a gender concern; iii) inadequate conceptualisation as a development/poverty issue; iv) the misconception that it is elitist, having nothing to do with the rural poor; v) the protectionist interests of female and male advantaged members of society, who fear that they will be dispossessed of their property; vi) the fear, by especially the men that it will reverse the social order and promote female privilege; and vii) resistance to change arising out of the deeply ingrained cultures, norms and values (UWONET 2004:ix).

Apart from the DRB, women have engaged the state to challenge laws that oppress them. The Divorce Act for example, (came into force in 1904) which applies to persons that are domiciled/permanently resident in Uganda), was challenged by women organisations as being discriminative. This is yet another example that illustrates women's attempts to force the government (through litigation) to make non-discriminatory laws. In their judgment in FIDA (U) & Others v. Attorney General (Constitutional Petition No. 2 of 2003), their Lordships of the Constitutional Court all agreed that the above provisions of the Divorce Act are contrary to the stated provisions of the constitution, to the extent that they are discriminate on the basis of the sexes and are therefore void. They ruled that in the application of the Act, the provisions should apply to husband and wife equally but observed that the application of their order was likely to meet difficulties. Parliament was therefore advised to take appropriate remedial action which it has failed or refused to take (UWONET 2006). This case is a good example of women's contribution to gender mainstreaming of legislations and exposure of the government's reluctance to operationalise the constitutional provisions for women's equality and empowerment.

Local Government Act

Gender Mainstreaming: The Local Government Act CAP 243 provides that women must form at least one-third of the total number of councilors at all levels of councils, from the village to the District. This is aimed at ensuring participation of women in decision making. Gender mainstreaming and in particular the participation of women in capacity building activities, and sensitisation on gender issues have been made indicators of minimum conditions and performance measures during the annual assessment of local government's performance. In this way, it operationalises the constitutional provisions for affirmative action by providing for one-third of the seats in each local council to be reserved for women. The Act also provides for affirmative action with respect to other marginalised groups (people with disabilities, youth, the aged, etc.) in the composition of local councils. These provisions have resulted in a significant increase in the number of women in political decision making at the different levels of the local government (i.e., district councils, sub-county councils, city division councils, municipal councils, municipal division councils and town councils).

The increased representation of women in decision making structures of local government is especially significant in the context of decentralisation, as substantial powers have been devolved to lower levels of government where policies, budgets and development plans are made. This means that at the Local Council Three (LC III) level, which is the lowest governance structure for planning and budgeting, at least one-third of the councilors in the 954 sub-county, town, and municipal councils are women. This number is further boosted by women representatives of youth, people with disabilities and the elderly and women councilors elected or nominated on the 'non-affirmative' tickets.

Participation: Women organisations and Members of Parliament (MPs) were very active in the formulation of the Local Government Act. Women have also been active in the implementation of the Act particularly in the electoral politics and representation. However, their participation has not resulted into the desired impact as far as resource allocation is concerned in terms of training in gender analysis, maternity health etc. Uganda, for example, still experiences high death rates of mothers during delivery periods.

Integrated Planning: The Local Government Act was formulated under the movement system. A number of women groups participated during sensitisation and consultation workshops. The law reflects the spirit of gender mainstreaming. However, with the introduction of multiparty system in Uganda there is an urgent need to review the law to be consistent with the new system. This is an opportunity for women activist groups to influence legislation to have more gender equality and women's empowerment. Areas

to focus on include budgeting, involvement of women in implementation of policies, and fair representation of political parties in committees according to their strengths in councils.

The Land Act

The Land Act 1998 is Uganda's principal legislation on land. It provides for tenure, ownership and management of land and was amended by the Land (Amendment) Act 1 of 2004.

Gender Mainstreaming: The Land Act makes an effort to preserve the rights of women, children and persons with disabilities to the use of customary land in section 17. Any decision taken in respect of land held under customary tenure – whether held individually or communally – has to be according to the customs, traditions and practices of the community concerned. However, a decision that denies women, children or persons with disability access to ownership, occupation or use of land or imposes conditions that are in contravention of relevant provisions of the constitution which entrench their rights, is null and void.

Until 2004, the main provision protecting family interest in land was S.39 of the Land Act. The provision prohibited spouses from dealing in land from which a 'family derives sustenance' without written consent of the other spouse and their offspring. The provision still provides some protection to women in marriage but it does not extend its protection to couples cohabiting. In addition, the Land Amendment Act of 2004 removed the requirement of consent of the offspring to dealings in land by their parents. This condition was because it was argued that adult offspring were frustrating the development of land markets by unreasonably withholding their consent to parents' transactions in land. As a result, the Land Act is now devoid of protection of children's rights to stay on family land (UWONET 2006:21). Section 19 of the Land Amendment Act, 2004 introduces a new section 38A to the Land Act and provides for security of occupancy of spouses. Security of occupancy means a right to have access to and live on family land. 'Family land' is then defined very broadly as land on which the ordinary residence of the family is situated, and land from which the family home shall be situated, or which the family agrees that they derive sustenance from. Land from which the family derives sustenance is also defined to mean land which the family farms, or land which the family treats as the principal place which provides the livelihood of the family.

Participation: Women, particularly members of Parliament were very active in the formulation of the Land Act. They were supported by women organisations that had interest in gender mainstreaming the land issues.

Similarly, participation was reflected during the struggle to have co-ownership clause in the Land Act as we shall explain shortly and it is also reflected in the on going consultations to have a broad and more inclusive land policy.

The role of women in the provision and use of land resource: Legal provisions for spousal co-ownership still elude Ugandan women in spite of the fact that there is strong evidence for support for spousal co-ownership of land indicated in the 2005 Gender Monitoring Baseline Survey. The over all approval rating for spouses to co-own land was found to be 61.4 per cent and the disapproval was 24.6 per cent. All regions of the country gave ratings above 50 per cent. The most disappointing period was in 1998 when the co-ownership clause was introduced in parliament to form part of the law on land. Despite the support it had during the debate in Parliament, when finally the Bill was passed and the President assented to it, the co-ownership clause was missing. Why didn't the responsible persons put such an important clause agreed upon during the debate in Parliament in the final text? The answer could be perhaps the male domination on important organs of Parliament that scrutinises final texts passed by Parliament.

Table 4: Gender Representation on Key Decision Making Positions in the Ministry of Lands, Housing and Urban Development

Position	Female	Male
Minister		1
State Minister		3
Permanent Secretary		1
Directors		1
Commissioners	2	1
Total	2	7

Source: Field Data, October 2007

The EOC Act 2006

In December 2006, the Parliament of Uganda passed the Equal Opportunities Commission (EOC) Bill for the establishment of the commission. Earlier on, the Government of Uganda had passed the National Equal Opportunities Policy. Article 32(3) states that 'there shall be a commission called the Equal Opportunities Commission whose composition and functions shall be determined by an act of Parliament'; and Article 32(4) enjoins Parliament to establish the Equal Opportunities Commission within one year after the coming into force of the Constitution Amendment Act, 2005 (30 September 2006).

The purpose of the Act is to provide for the composition and functions of the Equal Opportunities Commission which ensures constitutional national objectives and directive principles of state policy which, among others, provide for gender balance and fair representation of the marginalised, protection of the aged, balanced and equitable development, and recognition of women in society, recognition of the dignity of PWDs.

The Act therefore provides an institutional framework for the purpose of promotion of equal opportunities, elimination of discrimination and giving full effect to the principle of affirmative action in favour of marginalised groups for the purpose of redressing imbalances which exist against them. These include persons discriminated against on the basis of, but not limited to sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion, disability, gender, age, or any other reason created by history, tradition or custom.

Gender Mainstreaming: Part 3 of the Act – Functions and Powers of the Commission – provides that the Commission will monitor, evaluate and ensure that policies, laws, plans, programmes, activities, practices, culture and customs of: organs of the State, statutory bodies, public bodies, private business and enterprises, non-governmental organisations, and social and cultural communities are compliant with equal opportunities and affirmative action.

Participation: In November 2002, Action for Development (ACFODE) organised an EOC consultative meeting with different stakeholders advocating its establishment. The purpose of the meeting was to give an update to the stakeholders on the processes geared towards the establishment of the EOC, identify challenges and gaps faced in the struggle to realise its establishment and bring on board more stakeholders to complement each other. ACOFDE's initiative resulted into a coalition of advocacy for the establishment of an EOC. Members of the coalition included: NUDIPU, FIDA-U, NACWOLA, NGO-Forum, UWONET, UMWA, ANPPCAN, and UNASO, Friends for Peace and Religious Tolerance, and FOWODE.

In November 2003, ACFODE organised an EOC consultative meeting with different CSOs and activists advocating for and working with the marginalised groups. The coalition held several strategic planning meetings and developed an advocacy and media strategy to ensure an effective campaign for the establishment of EOC. The media campaigns included the use of newspaper articles and supplements, radio talk shows, media spots, press conferences and press statements. Information, education and communication materials such as posters, fliers, brochures and calendars were developed on marginalisation and discrimination. The Ministry of Gender, Labour and Social Development was involved as a strategic partner in planning and facilitation in collaboration with the Netherlands Development Agency – SNV.

The coalition organised other activities that put pressure on the government to establish the EOC. In September, a petition was presented to the Speaker of Parliament and was forwarded to the Legal and Parliamentary Affairs Committee. The petitioners demanded that article 32(2) of the 1995 Constitution be maintained and an independent EOC be established. They also demanded that Parliament enacts a law to establish and operationalise the EOC and that the functions of the EOC which were delineated to the UHRC be redirected to the EOC. A peaceful demonstration to Parliament was held to support the establishment of EOC in 2003.

On 27 February 2005, the coalition made a presentation to the Legal and Parliamentary Affairs Committee on the then published Constitutional (amendment) Bill 2005, on establishing an independent EOC, its composition, functions, tenure of office and a time frame for its establishment and operationalisation, among others. The coalition also became a member of the national task force that coordinated the activities of the EOC.

It is important to note that the coalition spearheaded by a women's organisation, and the Secretariat of the Ministry of Gender, Labour and Social Development refined and presented the EOC working bill to the Legal and Parliamentary Affairs Committee for incorporation into the Constitution (Amendment) Bill, 2005 at the request of the Committee. Studies were carried out by CSOs, workshops were held on awareness raising. In particular, on 10 November 2006 ACFODE organised a workshop with 30 MPs where CSOs presented their concerns over the status of the Bill, before Parliament passed it. The major concern on the Bill was that the Commission should not be toothless but with powers to bite. On 12 December 2006, Parliament passed the law on equal opportunities.

Although the EOC has not yet been established, the above experience shows how women have organised and made modest contribution towards the empowerment of marginalised groups through a progressive legislation and policy in Uganda. What is surprising is the reluctance of the government to put in place the commission and the secretariat to implement the ideals of affirmative action.

Assessment

Affirmative Action: It is clear that the momentum and remarkable unity of purpose and effort by women, which was depicted during the Constituent Assembly process and which resulted in the positive impact on the constitution-making process was not sustained after the passing of the Constitution. The problem is that women's organisations and networks mobilise and organise on ad hoc basis for particular issues rather than having a sustained and focused struggle on gender equality and women's empowerment. As a result,

women as beneficiaries of affirmative action have not done enough to shape its interpretation, monitor its implementation and ensure that its provisions are enforced.

As Kharono (2003:11) observes:

> The weak sense of ownership of affirmative action among women and their various organisations and networks has contributed to the continued perception that affirmative action is a gift from the NRM government rather than a right. That this perception persists, notwithstanding the constitutional provisions, illustrates the failure of its proponents to own, engage and define its content and develop a coherent and strategic agenda on its implementation. Given this failure, it is not surprising that a large number of women beneficiaries of affirmative action not only feel obliged to the NRM government, but also dare not challenge the status quo. They find it easier to fit into, rather than transform systems cultures and structures that have marginalised them, which is the intended purpose of providing for affirmative action in the constitution.

The challenges proponents of affirmative action face are compounded by the institution and practices of patriarchy that are still strong in the Ugandan society. Patriarchy here is understood as a systemic male dominance in economic, social, cultural and political spheres. It validates male values, behaviour and privilege.

Water Act: There is need to mainstream gender in water resources management in order to give adequate consideration to the roles, needs, access to and control over resources and decision-making of both women and men. Mainstreaming gender in policy and programme development must be recognised in relation to the overall programmes and in specific areas such as UPE/UPPET, energy, etc river basin development and management.

Gender weakness still prevails at the government, private and individual levels in the provision of water service. With liberalisation, government opened up opportunities for private companies and individuals to bid for contracts of constructing wells and hand bumps. There is still a lack of gender sensitivity in recognising women as participants, change agents and beneficiaries. Nevertheless, there have been some positive changes in laws which see gender being worked on in the government sector. One big problem is that written concepts are yet to be put in practice. Policy and practice seem in isolation with each other, so practising the concept prior to gender mainstreaming is necessary.

Gender Mainstreaming: Women's participation in the planning, designing, implementation and management of projects or programmes developed by outside agencies should ensure that the systems meet the demands of women, and that they function better. Women's involvement is necessary throughout

the whole project process, from planning to sustainability, to make a difference; and yet this has eluded policy implementers in Uganda.

The design of the projects should go beyond the practical needs of women for more and better quality services. They need to be able to involve women in a range of ways, including their meaningful (not token) participation in decision-making at all levels. These projects need to be used as leverage for addressing gender inequalities at the community level, otherwise women's participation will remain peripheral, and the range of needs they have (for example income generation and for more involvement in community decision-making) will remain unmet.

Successful influence by women on selected policies/legislations and the resulting projects in meeting women's gender needs should be measured using these criteria: women's participation in project activities; changes in the traditional gender division of labour; women's access to and control over resources; equity in sharing of benefits; and women's improved status and involvement in new development initiatives. The evidence on the ground shows that implementation of programmes at the local level in health, education, and family sectors is opposite to what the laws and policies espouse.

The implementation of programmes that ensure promotion of the rights of women are hampered by the meager resources that are allocated to it by government, both at the centre and at the local government (LG) level where they share an allocation of barely 1 per cent of the budget with other activities. Unfortunately, in most cases, it is not actually released. As the former Minister for Gender, Labour and Social Development observed:

> The Beijing platform for action emphasised the importance of identifying and mobilising resources from all sources and across sectors. But now time has come to transform commitments into reality through action… I strongly hope that this meeting will be a further step in women's progress towards empowerment and a call for firm, resolute and specific actions on financing for gender equality (Ms Syda Bbumba while officiating at the opening of the Common Wealth Women's Network Workshop, Hotel Africana, Kampala, 20 November 2007; *Daily Monitor*, 22 November 2007).

Programmes for gender which get implemented are those which are donor funded. Few projects allocate enough preparation time for gender responsiveness. Many of them are time bound and target oriented which reduces the scope for gender sensitive works that often require a lot of time.

Another challenge is that often, a lot of project work is piecemeal and uncoordinated, run by agencies and within communities where little gender sensitisation has taken place and where awareness and understanding of gender inequality is low, thus leading to poor results.

Trying to focus on many things in many places could turn out to be too ambitious and can in itself be a weakness, because the volume of work becomes enormous. There is also the fact that not all people working in the public sector have skills in gender analysis and not everyone has the capacity to be able to identify gender issues and design appropriate interventions to address them.

The Land Act: The recent legal changes have had no significant impact on women's land rights in Uganda. Women's tenure on land continues to be dependant on the rights of husbands, and other male relatives. The 2005 Gender Monitoring Baseline Survey for the Land Sector Strategic Plan (LSSP) found that only 3 per cent of spouses in Uganda co-own registered land. Male ownership of land still predominates in all regions with only about 16 per cent of women holding registered land (UWONET 2006). Despite the women's efforts to have a co-ownership clause in the Land Act, both in 1998 and during Land Amendment Bill 2003, they lost the battle and instead settled for the right of occupancy which unfortunately can only be enjoyed by a woman during her husband's lifetime.

Health Policy: In the health sector, the interpretation of gender has traditionally referred to reproductive health care for women. While this may improve services for mother and child, it may neglect other health problems for women. Focusing on reproductive health care tends to neglect the fact that gender inequality itself can lead to ill health among women. Women face particular barriers in reporting and seeking healthcare, and so being a woman may be one of the major predisposing factors for ill health. Their low status in society and household limits the availability of resources to pay for services. Financial constraints in the health care system pose significant challenges; for instance, user fees impose a heavy burden on the most vulnerable groups, especially women. Cultural factors may also severely limit women's access to health services like in cases where they are restricted from consulting male health workers, as well as lacking time to visit health units. Patriarchal practices like wife battering are seldom reported to medical workers due to the fear of cultural stigmatisation and additionally, women's special needs such as privacy, which are determined by social norms, are often not met in the services offered (CEEWA 2002). Therefore, despite the existence of the National Health Policy and other policies and legislations, women have not been able to make the desired impact to promote gender equality and women's emancipation in the health sector.

Equal Opportunities Act: Before 2006, the absence of an implementation framework informed by appropriate policy, law and institution was a major weakness for affirmative action. Once the commissioners and the Secretariat are put in place, the EOC will provide the framework for the purpose of

equal opportunities, elimination of discrimination and giving full effect to the principle of affirmative action in favour of marginalised groups. Women made a contribution to reach the current stage, but there is more to be done to have the EOC established and functional according to the principles embedded in the constitution.

Education Bill: It has been established that UPE did not introduce affirmative action for the girl children in education but simply opened up opportunities for more children, who would otherwise not have been able to afford basic education to obtain it. It is clear that emphasis has been on improving access for all without particular emphasis being given to the girl child. The government left it to parents to decide which children would enjoy this facility. This mechanism has not checked the socio-cultural factors that make parents to give preference to the male child. There is evidence to show that there is disproportionate school drop-out rates of boys and girls where socio-cultural factors work against the girl child (UBOS, Socioeconomic Survey:2002/2003).

Furthermore, in spite of the fact that early pregnancy has been found to be one of the factors that hinder the advancement of girls in the education system, the Bill makes no provision for dealing with this problem. Additionally, despite the fact that the MOES passed a policy outlawing corporal punishment, and the constitutional Court has pronounced that meting out corporal punishment is contrary to provisions of the constitution, no provisions have been included in the proposed law to deal with it. The above gaps, like in other proposed legislations, show how much there is to be done to mainstream laws and have them implemented.

Advocacy: While there seems to be a relatively progressive political environment, policy advocacy work is still vital if women empowerment is to be achieved. Examples of progressive laws and policies which have been put in place by GoU include the 1995 Constitution, the National Gender Policy, the National Action Plan on the Advancement of Women, the affirmative action provisions in the Local Government Act, the Health Policy and Energy Policy.

Similarly, several institutions geared towards supporting the advancement of women have been strengthened or developed in the country over the last twenty years. These include the women NGO, the women community based organisations, the donor committee on gender, and the Ministry of Gender, Labor and Social Development.

However, unfair laws, and negative customary practices and beliefs that impinge on the rights of women are still dominant and, when coupled with the level of poverty in the country, make women and girls lag behind men in all the social, political and economic aspects of life.

It is clear that the policy advocacy work that has been done has not engaged extensively with the key government processes such as PEAP, sector wide planning such as the Plan for Modernisation of Agriculture, and has thus tended to be marginalised and not received the attention it deserves. This has been worsened by the lack of a consistent unified and coordinated voice on gender issues by GoU in collaboration with the civil society and by the fact that the unity among NGOs is often short lived. It is high during peak times of the advocacy campaigns and weakens if the advocacy aims are not achieved within a short time. This affects the availability of a consented and collective influence on government and donor policies.

Programmes geared towards achieving the government commitments to women empowerment are not systematic and lack publicised benchmarks which make it difficult to hold the government accountable. This situation is worsened by the fact that most of the pressure from gender focused NGOs on government to honour its commitments has had limited participation of the grassroots women and men mainly because of the ineffective strategies or adequate financial and skilled human resources. In fact, policy advocacy is dominated by Kampala based National NGOs with limited resources from donors. Likewise, institutions have limited skills in gender and policy advocacy, which impinge negatively on their work.

This is why it is important to understand where power lies in the process of gender advocacy. Power lies in customary laws and practices which govern the community, the men to whom customs have accorded more power, the government which makes policies, the donors who provide the resources and the women and men at the grassroots who are victims but also agents of change through the socialisation process.

Policy advocacy cannot be an end in itself but is a means to an end, and hence, the call for integrated programmes where it is one of the strategies used to change the quality of lives of poor women. It also means that for policy advocacy to succeed, direct investments need to be made in programmes aimed at poverty alleviation. Ways need to be explored to reduce the woman's work load so as to give her time to engage in initiatives aimed at enhancing her social status beyond the household, rather than being complacent as Tamale (2001) submits:

> Thus more often than not, the beneficiaries have felt an allegiance to government for having given them this opportunity and have fallen into traps of complacency and self-satisfaction rather than advancing the concerns of women.

Policy Recommendations

The paper has identified gaps both in the existing selected policies and legislations vis-à-vis women's contribution according to the benchmarks

set. The recommendations that follow are aimed at increasing the contribution of women, particularly organisations and networks working for gender equality and women's empowerment. My proposals are out of conviction that social science research organisations, civil society organisations and civilian think-tanks (including women's organisations and networks) have an important role to play in this endeavor, as repositories of knowledge, advocacy, popular participation, accountability and empowerment.

Gender Mainstreaming: There are areas which lack policy and legislation. Therefore, women's participation in both formulation and implementation is crucial. Examples include laws on the education of adolescent mothers – schools still largely exclude them from continuing in the education system; laws prohibiting corporal punishments in schools; a sexual offences law – this would address issues like prostitution, homosexuality, lesbianism, bi-sexuality; domestic violence and female genital mutilation; laws on conflict and peace building policy; laws that regulate micro finance institutions etc. It is also necessary to advocate the enforcement of the already existing laws and policies in mainstreaming gender.

Gender and Equity Budgeting: Women organisations/networks should get more interested in the budgeting process in the health and education sectors where inadequate resources are provided for health and education needs of women, both at the local government and national levels. They should also acquaint themselves with the operation of sector-wide approaches (SWAP), which is a government's macro-economic framework within which Medium Expenditure Frameworks determine the resource allocation for a sector. It includes definition of an overall sector policy framework, prioritisation of objectives, expenditure programmes, capacity building and joint administration and financial management. Women leaders and activists should therefore train and gain skills in public policy and gender sensitive analysis. For women to effectively participate in development issues, they must be trained and empowered in the gender budgeting process.

Domestic Relations Bill (DRB): There is urgent need to review the contentious sections that are holding up the whole process of enactment of the Bill into law because, if enacted, it has the potential to address gender based inequalities such as land rights, decision making and the invisibility of women's work, all of which are core gender dimensions of poverty in Uganda. It is therefore important for women coalitions to move quickly and get the DRB back onto Government's agenda. Women need to continue pressurising government for the enactment of the laws on inheritance, sexual offences, domestic violence and women's land rights.

The Local Government Act: This law largely reflects the movement system previously adopted in the country, so it must be reviewed to make it consistent with the multiparty system. This is where women organisations and networks should participate so that strategic gender needs are not sacrificed to partisan interests. Strategic gender needs refer to the long-term needs of women and men in their struggle towards empowerment and women's emancipation, thus challenging the prevailing gender inequalities. Consequently, it is high time women thought of reviving their gender movement beyond their different political party ideologies and interests.

Education Policy/Bill: This should be reviewed to enhance the government's commitment to the girl child. GoU should step up efforts that ensure increased enrollment of girls and their progression throughout the education system. In addition, women organisations and networks should continuously sensitise parents and guardians on the socio-economic conditions which limit the girl child's progression in education.

Advocacy: The good practices that emerged during the coalition advocacy activities on Equal Opportunities Commission should be utilised in other policy and legislation formulation process and implementation. Such good practices as the use of public dialogues; frequent updates on the progress to stakeholders and individual human rights activists; use of various methods of mobilisation such as writing letters, emails and telephone calls; team work and voluntarism; use of newspaper supplements capturing a wider coverage of society and information dissemination to MPs, and mobilising them to participate in debates on the subject matter, both in and outside the house, should be maintained.

Engaging the Government: The fact that the government has been reluctant to put in place the main institutional framework for affirmative action, that a number of legislations that oppress women have not been amended and that inadequate resources are allocated to programmes that would promote gender equality and empowerment of women (what others call lack of political will), calls for women coalitions to engage the government on the basis of the constitutional provisions and rise up to the occasion of demanding compliance to the supreme law of the land. This however requires unity of purpose that takes a bi-partisan approach under a multi-party dispensation. Therefore, it is necessary for women to come together and ask for accountability from the government in relation to affirmative action.

Conclusion

The paper sought to interrogate the contribution of women in influencing legislation and policy formulation and implementation in Uganda between 1995 and 2005 in the health, education and family sectors. I have argued that although the government has been implementing a gender sensitive and

responsive constitution, and despite the fact that the number of women participating in politics and governance has been steadily increasing, their participation has not had the desired impact on legislations and policies to make them gender sensitive and responsive to women's rights, interests and needs.

This state of affairs is explained thus: First, women as beneficiaries of affirmative action have not done enough to shape its interpretation, monitor its implementation and ensure that its provisions are enforced. Second, the government has demonstrated on several occasions its reluctance (what others call lack of political will) to operationalise the constitutional provisions for gender equality and women's empowerment. Third, the patriarchy institution is still strong, and this makes conditions for empowerment in Uganda very problematic.

The paper however recognises some achievements in terms of the constitutional provisions, institutional and political framework in place which women and society can build on to achieve greater gender equality and women's empowerment.

The paper also proposes policy recommendations which, if properly implemented, would go a long way to scale up women's impact on policies and legislations for gender equality and women's empowerment.

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Parlementaires debout : l'interface de l'opposition politique pendant la transition en République démocratique du Congo

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Résumé

Le processus de transition engagé en République démocratique du Congo en avril 1990, s'est accompagné d'une émergence et d'un foisonnement de journaux. Cette réalité a transformé les principaux coins de vente des journaux, en instance privilégiée du débat congolais, pris en otage à longueur de journée par des lecteurs infatigables communément appelés Parlementaires debout.

Cette étude essaie d'analyser le fondement théorique de ce phénomène de société où une sorte d'alliance des pauvres est très convaincue de changer le cours de l'histoire par l'appropriation de l'espace médiatique dans la lutte qui opposa singulièrement le pouvoir (Mobutu) et l'opposition (Tshisekedi) entre 1990 et 1997.

L'expérience congolaise de Parlement debout ne pourrait servir de modèle à la gestion de l'espace public africain qu'à la condition d'une « récupération intellectuelle » du phénomène susceptible de le tirer de la rue vers une réflexion plus élevée et innovante au service d'une démocratie populaire réellement participative, conclut l'étude.

Abstract

The transition process initiated in the Democratic Republic of Congo (DRC) in April 1990 was followed by the emergence and proliferation of newspapers. This reality has turned the main newsstands into a privileged Congolese debate site where indefatigable readers commonly known as "Standing-up MP's" gather all day long to comment the news. This paper attempts to analyse the theoretical foundation of the social phenomenon in which the poor, forming some kind of alliance, are strongly convinced that they can change the course of history by ap-

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propriating the media space in an intense struggle opposing the ruler (Mobutu) and the opposition (Tshisekedi), between 1990 and 1997.
The paper concludes that the Congolese experience of "Standing-up MP's" can serve as a model for African public space management only if it is "scholarly exploited", that is to say probably taking it off the streets for a deeper and innovative reflection at the service of a people's democracy that is truly participatory.

Introduction

Le 24 avril 1990, le Président Mobutu libère l'espace médiatique. Le débat congolais sous la transition politique qui s'installe alors en République démocratique du Congo (RDC), se cristallise autour de l'information politique entre une opposition naissante, en vue de la conquête du pouvoir et les partisans du chef de l'Etat, déterminés à conserver le pouvoir, après vingt-cinq ans de règne d'un pouvoir monolithique.

Kinshasa, la capitale de la RDC, offre encore, dix neuf ans après, à travers « les parlements debout » que sont les points de vente des journaux et leurs alentours immédiats transformés en sites de communication politique, un cadre atypique de lutte pour l'appropriation de l'espace public congolais entre le pouvoir et l'opposition. Le phénomène de « parlementaires debout » (adjectif dérivant du parlement debout), constitue à cet égard, un objet intéressant d'étude en sciences sociales, en tant qu'il fait des citoyens ordinaires, le répondant de l'opposition pendant la transition politique en vue du contrôle de l'espace public médiatique.

Habermas (2003:162) définit l'espace public comme « un espace ouvert accueillant tout discours qui s'exprime librement ». Il ne s'agit pas ici de n'importe quel discours, le parlement debout est le point d'achoppement du débat congolais. D'où l'intérêt que constitue cette réalité de la sociologie politique africaine, encore mal connue et mal comprise, y compris au Congo même. Et pour cause, malgré l'importance prise par ce phénomène au fil des ans, il n'a fait l'objet que de rares réflexions scientifiques à ce jour.

Pour comprendre les facteurs explicatifs à la base de la lutte pour le contrôle de l'espace médiatique kinois (adjectif dérivant du mot Kinshasa), entre le pouvoir et ces communicateurs populaires, (les parlementaires debout), notre étude a pour objet l'analyse du fondement théorique du parlement debout au regard de son organisation ainsi que de son fonctionnement et, d'appréhender son incidence sur le débat congolais et son apport à la gestion de l'espace public africain à la lumière des évolutions successives de 1990 à 2006.

Trois méthodes, à savoir la méthode historique, la méthode systémique et la méthode analytique nous serviront d'approche. En nous plaçant dans une perspective d'avenir, la réflexion débouche sur une série de recommandations.

Historique

Concept de parlement debout

Il semblerait que le parlement debout comme pratique plutôt que comme concept serait aussi vieux que le monde qui a vu la naissance des journaux à Kinshasa. L'avènement de la presse écrite est à situer dans la première moitié du XXè siècle (Ndaywel 1997). Mais les parlements debouts auraient connu dans l'histoire sous diverses formes, une existence lâche.

Le vocable de parlement debout désigne en RDC, particulièrement à Kinshasa, les lieux publics, notamment les coins des rues, les devantures des bâtiments publics, les abords des arrêts des bus, les proximités des sièges des partis politiques, qui servent aussi bien de lieux d'exposition quotidienne de l'information voire du journal imprimé que celui d'accès populaire à l'information politique (Kayembe 2003:8). L'épithète debout, ne sert qu'à faire la différence, par analogie, avec les parlementaires classiques, étant donné que les parlementaires debout sont dépourvus de siège, de local et discutent politique debout en plein air sous un arbre.

En effet, en créant cette instance d'autonomie, de liberté de pensée et d'expression, les Kinois avaient espéré trouver dans la rue une voie propice pour libérer la démocratie. Les médias jouèrent à cet effet un rôle éminemment politique qu'ils se transformèrent en « un lieu de prolongation du combat politique » (Kayembe 2003:204).

On peut supposer, comme dans beaucoup d'autres cas, que le vocable est d'origine médiatique. En optant pour ce mot, son initiateur avait, une idée derrière la tête, un objectif à atteindre. Albert P. (1971:74) consolide cette pensée : « La presse écrite est finalement beaucoup plus l'écho des idées et des goûts de ses lecteurs que des opinions et des choix de ses rédacteurs». Quand on envisage ce que représente un mot, on fait de la sémantique. Par contre, « en définissant un mot nous encourageons simplement les autres à l'utiliser selon nos vœux ; que le but d'une définition a rempli son rôle si elle transforme un accord sur la forme en désaccord sur le fond, donnant ainsi le champ à des nouvelles recherches » (Mills 2006:36).

Ainsi dit, en DRC, le parlement debout et par ricochet l'espace public, pourrait se définir comme le lieu de contestation, de dissidence, où se rencontrent tous ceux qui se réclamant du peuple, discutent librement des affaires de la cité. Intervenant en novembre 2008, dans l'émission *Le débat africain* sur radio France internationale, Mbembe A. pense que l' « espace de dissidence peut se définir comme l'acceptation de la différence dans la conception du monde, des projets de société… donc, un espace de liberté et de débat d'idées, dans la confrontation de la différence. Elle s'oppose, pense-t-il, à l'espace de soumission. »

Le Parlement debout et l'adjectif qui en dérive, parlementaire debout, s'inscrivent parmi tant d'autres idiotismes qui ont alimenté le discours politique pendant la période chaude de la transition congolaise.

Selon le dictionnaire *Nouveau petit Robert* 1994, un idiotisme est une forme ou locution propre à une langue, impossible à traduire littéralement dans une langue de structure analogue (gallicisme, anglicisme, latinisme…). Le langage politique de la transition est très riche en la matière. Parmi les idiotismes congolais, disons le 'congolisme', nous pouvons citer quelques concepts tels que 'parti alimentaire' (parti sans assise politique), 'vagabond' ou 'vagabondage politique' (versatilité, opportunisme politique), 'perdiémiste' (profiteur politique prêt à manger à tous les râteliers), 'mouvancier' (partisan de la mouvance présidentielle), 'taupes' (opposant et/ou partisan du pouvoir selon l'intérêt du moment), ainsi de suite.

L'histoire de la transition politique congolaise repose largement sur une base sémantique. L'intérêt des années 90 est qu'elles confèrent au parlement debout, non seulement un concept mais aussi un contenu politique réel.

Evolutions successives
Le Parlement debout résulte d'un contexte historique. Le 24 avril 1990, le Président Mobutu annonce l'ouverture démocratique suivi du multipartisme à plusieurs vitesses. Tshisekedi cristallise les mécontentements populaires face à un pouvoir déterminé à se maintenir par la force. C'est dans cette dualité que se meuvent les parlementaires debout. Les auteurs situent les origines récentes du phénomène des parlementaires debouts à des périodes différentes. Kalele les situe au lendemain de la Conférence nationale souveraine (in Nzongola et Margaret 1997:65), c'est-à-dire, plus ou moins après le 6 décembre 1992.

D'après Kalele, le premier parlement debout a vu le jour à Limete, en raison du contexte de l'après-CNS, à savoir : Limete est le lieu de résidence de Tshisekedi, symbole de résistance à la dictature mobutiste et le chef de file de l'opposition zaïroise à l'époque. Mais Limete, c'est également, le siège de l'Union pour la démocratie et le progrès social (UDPS), parti de Tshisekedi qui regroupait alors les plus radicaux des opposants (in Nzongola et Margaret 1997:68).

De l'avis de certains observateurs, le dédoublement des institutions consécutives à la nomination du gouvernement Birindwa le 2 avril 1993, peut objectivement être considéré comme la ligne droite marquant la naissance formelle du parlement debout dans sa forme actuelle. A partir de cette date, en effet, la rupture entre le pouvoir et l'opposition fut « caractérisée par l'existence dans un même pays et au même moment de :

- deux gouvernements : le gouvernement Birindwa soutenu par le parlement du MPR (Mouvement populaire de la révolution, proche du président Mobutu) et le gouvernement Tshisekedi II élargi appuyé par le HCR (Haut-conseil de la République), parlement de transition ;
- deux parlements : le parlement du MPR attaché au chef de l'Etat et le Haut-conseil de la République acquis à la cause de l'opposition ;
- deux lois fondamentales [Constitutions] : l'Acte portant dispositions constitutionnelles relatives à la période de transition défendu par le HCR et l'Acte constitutionnel harmonisé relatif à la période de transition reconnu par le parlement du MPR » (Kabungulu 1995:148).

Au cours de cette première période de la transition, la liberté de presse contrasta avec la liberté d'opinion pendant qu'officiellement, 638 journaux étaient autorisés à paraître au cours de l'année 2000 ainsi que quelque 14 chaînes de radios et de télévision.

Les médias jouèrent un rôle éminemment politique qu'ils se transformèrent en « un lieu de prolongation de combat politique » (Kayembe 2003:204). Kalele-ka-B., de son côté, dénombre 11 parlements debout en 1996 dont huit à Kinshasa et trois dans le Congo profond. A Bukavu dans la province du Sud-Kivu, la place dite Carrefour-BBC, le rond point du carrefour Buholo IV dans la commune populaire de Kadutu, a fait tâche d'huile. Ses parlementaires ont beaucoup gêné le pouvoir. Leur dispersion par l'armée mobutiste entraîna mort d'hommes dans la première moitié des années 90.

En mai 1997, la victoire militaire de l'Armée des forces démocratiques pour la libération du Congo (AFDL) pousse Mobutu à la démission. Cette victoire est facilitée par le rejet massif du régime Mobutu par les Congolais. Tshisekedi et l'UDPS se lèvent alors contre ce qu'ils ont appelé « la dictature de Kabila » (Kabungulu 2006:132). Le pouvoir n'hésite pas à recourir à des méthodes fortes. L'opposition se terre. Le parlement sans véritable repère, à défaut de s'émanciper, se fait l'écho de Tshisekedi qui par moment essaie de relever la tête.

Le retour en force des tutsi par le truchement l'Alliance des forces démocratiques pour la libération du Congo en 1997, suivi de la limitation à quatre des partis politiques à partir de fin janvier 1999 irritent les intellectuels et les partis politiques en général. Les parlementaires debout s'érigent alors en opposition parfois ouverte contre le régime. Les Comités du pouvoir populaire (CPP) crées par le nouveau régime en avril sont tournés en dérision par ces les parlementaires debout.

Rappelons qu'à Kisangani, les parlementaires debout s'érigèrent en une véritable opposition à la « rébellion » ouverte le 2 août 1988 contre le régime de Kabila père. Il s'en suivit, l'interdiction d'attroupements, des actes de

répression. Le pouvoir de Kabila exerça toutes sortes de pression sur les parlementaires debout. A la suite de sa mort, son successeur, Joseph Kabila relance le débat politique après l'hibernation des partis entre 1997 et 2001 (Kabungulu 2006:122-140).

En 2003, un sociogramme des sites de parlements debouts établit par le journal *Liberté* à travers la ville de Kinshasa, en a dénombré 15 : Quartier Mikondo, commune de N'Sele ; Zando ya Hindu, Arrêt Masina/Kingasani ya Suka ; Arrêt Masina/Kingasani Pascal sur le Boulevard Lumumba ; Quartier 1, commune de N'Djili (Eucalyptus) ; Quartier N'Djili Sainte Thérèse ; Quartier Mongo, commune de Matete ; Quartier Super-Lemba ; Quartier Lemba-Echangeur ; 12ème rue Limete, Boulevard Lumumba ; Environnement immédiat de la résidence de Tshisekedi, 10ème rue Limete ; Matonge, commune de Kalamu au croisement des avenues Kasa Vubu ; Wenze ya Bayaka, commune de Ngiri Ngiri ; Bandal Moulaert et Kintambo (Kayembe 2003:290).

Examinons la nature du phénomène.

Caractéristiques

Lieu de contestation
Il convient de noter que le parlement debout se veut le lieu de communication politique. C'est l'événement politique qui détermine la nature du débat. N'Djili Eucalyptus a été identifié comme le parlement debout le plus actif et le plus extrémiste de la capitale, qui, n'avait d'égal à l'intérieur du pays que « BBC-Carrefour » à Bukavu. A Kinshasa, Lemba-Echangeur, face à la station service Elf, appelé « Place le laboureur et ses enfants » a toujours été cité parmi les sites les plus redoutables.

Endroit porteur des messages forts
Il y a lieu de faire observer que la plupart des parlements debout se situent à « des endroits porteurs des messages significatifs » (Kayembe 2003:290) : la proximité d'un arrêt de bus, les terminus des transports en commun ou des points relais, la proximité des certains sièges de partis politiques, des bâtiments publics, des quartiers chauds et l'emplacement le long des artères de grand trafic et à l'entrée des 'cités paradis' (Kayembe 2003:292) ou populaires.

Le message fort est par essence un message captivant, fort, susceptible d'attirer l'attention. A travers *La fabrication de l'information,* Aubenas F. et Benasayag M. (1999:18), stigmatisent le fait que l'objectif d'un tel message n'a pour but que de « réveiller la population et 'provoquer l'effet d'un signal d'alarme' ».

On a également assisté à la délocalisation et surtout à la scission de certains parlements debouts.

Scissiparité
Les parlements debout ont parfois été caractérisés par des désaccords d'option politique jusqu'à leur scission. La séparation était consécutive fondamentalement à la crise de confiance et de la méfiance réciproque. Le parlement de la 12e rue a ainsi donné naissance à celui de la 10e rue Limete, suite à la dislocation entre Tshisekedi (opposition radicale) et son ancien compagnon de lutte, Kibassa Maliba (devenu opposition modéré), allié au pouvoir de Mobutu dans la première moitié des années 90. Après les divisions et les contradictions internes au sein de l'UDPS, les parlementaires debout ont commencé à évoluer presque sans référence à une quelconque ligne de conduite.

Organisation et fonctionnement

Statut et rôle
Dans sa forme originelle, le parlement debout fut organisé de façon plus ou moins cohérente. Les parlementaires debout étaient constitués de toutes les catégories des couches de citoyens. On y retrouvait diplômés, analphabètes, civils, militaires, travailleurs, retraités, professeurs d'universités désargentés.
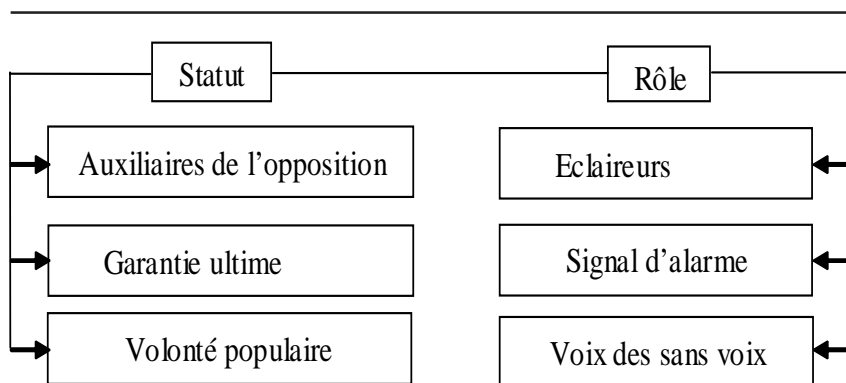
Au niveau d'ensemble, d'après Kalele, le parlement debout était supervisé par un coordonnateur en chef. Il se réunissait à Limete une fois par semaine avec les membres de ses sept états-majors, le jeudi en assemblée générale, après le conseil du « gouvernement légal » parallèle dirigé par Tshisekedi. Dans la distribution des rôles, chaque parlement était constitué d'un président, d'un secrétaire-rapporteur, des messagers spéciaux et des membres. Le président jouait le rôle de modérateur par la distribution de la parole, commentait l'information et proposait des actions concrètes à mener. Les messagers spéciaux étaient chargés de transmission des informations urgentes par système de relais. Les autres membres avaient le devoir de répercuter chaque information apprise au parlement, dans leurs quartiers respectifs. La lecture se faisait à haute voix par un membre à l'intention de tout le groupe ; suivie des commentaires en lingala (la langue courante parlée à Kinshasa), pour permettre à tout le monde de bien comprendre et de s'exprimer (in Nzongola et Margaret 1997:67).

A l'analyse, comme organisation fonctionnelle (l'opposée d'organisation hiérarchique), la structure du parlement debout conférait à ses membres un nouveau rôle et statut dans la société congolaise en crise. D'après Grawitz (2002:359), le concept de rôle est « Introduit [en psychologie sociale] par Binet en 1898, repris par F. Mead, Linton puis Moreno. Par analogie avec l'acteur, au théâtre : ensembles de comportements relatifs à une position, fixés par la société (rôle du père, du maître) et que l'on s'attend à voir jouer

(expectation), par ceux qui la détiennent ». En fait, « Le rôle définit ainsi une zone d'obligations et de contraintes corrélative d'une zone d'autonomie conditionnelle » (Boudon et Bourricaud 1982:505).

En s'accaparant de l'information politique, les parlementaires debout jouaient, dans une certaine mesure, surtout pendant la période forte de la transition, le rôle d'éclaireur, de porte-voix, de voix des sans voix. Devenus fidèles alliés de l'opinion populaire, pour paraphraser Kapferer J.H., privés de vie publique, la rue rendait publique la vie des parlementaires debout (Kapferer 1998:177). Quant à leur statut, il peut se concevoir comme celui des redresseurs de torts, d'auxiliaires de l'opposition radicale, de garantie ultime, voire l'expression de la volonté populaire. Le statut et le rôle du parlementaire debout, lui confèrent ainsi une sorte de contrat social tacite avec la population.

Figure 1 : Contrat social entre population et parlementaires debout

Le status, « est utilisé en psychologie sociale en place de statut pour indiquer la situation de l'individu, son rang dans une société donnée, le rôle qui l'incombe, la fonction sociale qui lui est dévolue » (Grawitz 2002:382) que l'auteur qualifie d'aspect fonctionnel et normatif. La ligne de séparation n'est pas toujours facile à établir entre le statut et le rôle exercés par un individu ou par un groupe d'individus dans la société. Ainsi donc, « L'expression de statut désigne la position qu'un individu occupe dans un groupe, ou qu'un groupe occupe dans une société (entendu comme groupe de groupes)…On peut combiner ces deux indications en définissant le statut comme l'ensemble des relations égalitaires et hiérarchiques qu'un individu entretient avec les autres membres de son groupe (Boudon et Bourricaud 1982:564), en vue d'un objectif à atteindre.

Stratégie d'action

Les parlements opéraient selon une stratégie d'action et une règle de conduite précises. Les journaux en tant que source ouverte, constituent la matière première brute des parlementaires debout. A cet effet, ils ont été, du moins aux origines, les porte-voix de l'opposition incarnée par l'UDPS, mais ils n'étaient tendres ni envers le pouvoir ni envers l'opposition. Cependant, dans la scène politique congolaise, particulièrement des années 90, véritable panier à crabes, les parlementaires debout eux-mêmes étaient parfois fourvoyés dans leurs analyses « devant trois types d'acteurs politiques :

- les « Mouvanciers » (proches du Chef l'Etat),
- les « Opposants » (théoriquement il y a plusieurs Oppositions),
- les « Taupes » (faux Opposants ou faux Mouvanciers) (Kabungulu 1995:265).

De tous les temps, « Au Zaïre où la politique constitue un moyen d'enrichissement, de survie, et même pour beaucoup, une profession… La corrélation entre les facteurs objectifs et subjectifs complique tout effort d'analyse » (Kabungulu 1995:265), puisqu'on peut se réveiller le matin opposant pour devenir inconditionnel allié du pouvoir le soir.
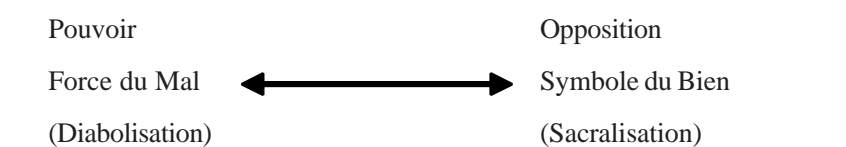
Voilà pourquoi à Kinshasa, la rue devint une sorte de réponse à la faillite de l'Etat (de Villers et Omasombo 1997:223, 245) et de l'opposition. On a pu observer, dans ce cas, que, l'agir communicationnel pouvait se traduire par trois types d'attitudes possibles :

- accord parfait rue-opposition : plus la cause était juste, plus l'unité au sein de la population était acquise. L'action de la rue se solde par un succès ;
- désaccord total rue-opposition : la population désapprouve le point de vue de l'opposition, la cause est perdue d'avance ;
- divergences rue-opposition : la population est divisée sur une opinion soutenue par l'opposition, le résultat est mitigé.

Est-il qu'à l'origine, l'action des parlementaires debout avait comme idée-force, le discours politique de Tshisekedi. Ce discours pouvait se traduire par la formule suivante : « Mobutu = le mal zaïrois et la cause de toutes les misères du peuple. Tshisekedi = le libérateur du peuple et la fin de la misère. Sa stratégie : chasser Mobutu du pouvoir » (N'Gbanda 1995:134). Mais cette stratégie n'a pas toujours été payante, de sorte que « Tshisekedi a été en fait à la fois prisonnier et victime de sa propre stratégie et de son discours politique » (N'Gbanda 1995:134). Accusé de corruption ou de complicité, il en paya le frais toutes les fois qu'il se montra conciliant vis-à-vis du pouvoir. Ce sont les sept états-majors qui, ensemble, imaginaient des stratégies à mener.

Dans la pratique, toute l'action des parlementaires reposait sur une espèce de propagande et de manipulation manichéenne, par la diabolisation du pouvoir (incarnation du mal) contre la sacralisation de l'opposition (incarnation du bien), bref une lutte entre la force du bien et la force du mal.

Figure 2 : Technique de propagande des parlementaires debout

Pouvoir	Opposition
Force du Mal	Symbole du Bien
(Diabolisation)	(Sacralisation)

Hazan (2006:91) considère comme « Les véritables opérations de manipulation de l'information, celles que l'on qualifie de 'désinformation', s'appuient sur des informations véritables pour en créer ou en justifier d'autres, farfelues ». Par contre la propagande, pour *Le journal du dimanche* du 5 décembre 2004, c'est cette stratégie consistant à présenter l'opposition « comme une sorte de bon papa collectif, sévère mais bienveillant, fermement décidé à faire régner la justice pour le bonheur des populations » (Hazan 2004:75).

Inattendument, dans cette lutte, tout dérapage présumé ou supposé face à l'idéal démocratique, d'où qu'il vienne, devait faire l'objet de rappel à l'ordre. Ce qui conduisit à des multiples abus et à l'intolérance politique envers le pouvoir ou envers l'opposition.

Finalement, la question qui se pose face à ce phénomène est celle de savoir, pourquoi des responsables de famille passent-ils l'essentiel de leur temps à discuter politique à longueur de journée. Sur le plan théorique, cette réalité ne pouvait s'expliquer que par rapport à la situation politique et socioculturel du citoyen congolais.

Fondement théorique du 'parlementarisme debout'

Du point de vue politique : une lutte idéologique

Les Congolais ayant longtemps souffert du monolithisme et de l'unanimisme, ont vite compris à l'aube de 1990 que, celui qui détient l'information détient le pouvoir. En fait, « La politique est par définition, communication (Virieu 1990:50). Le 'parlementarisme debout' se veut un mode particulier de participation politique. Ce mode de participation relèverait d'une lutte idéologique, pour l'appropriation de l'espace public par le contrôle de l'information politique. Selon Capdevila (2004:25), en effet, « Il est impossible qu'une prise de conscience s'effectue autrement qu'à travers un code

idéologique. Ainsi l'idéologie est-elle affectée par la schématisation inéluctable qui s'attache à elle ; en s'attachant elle-même se sédimente, alors que faits et situations changent ».

Il s'agit d'une forme de participation consciente et /ou inconsciente, une forme d'auto-prise en charge par la démocratie participative. D'où, toutes sortes de contradictions et conflits d'intérêts avec le pouvoir aussi bien de Mobutu, de Kabila père que de Kabila fils. Il est évident que « Le mentale fabrique l'idéologie, l'idéologie domestique les esprits » (Ramonet 2004:10). Et comme légitimation, il va de soi, qu'en intégrant dans ses raisons d'agir le comportement et les motivations des autres, « l'idéologie est inséparable de conflits d'intérêts qui minent le consensus social » (Capdevila 2004:25).

Comme le dit Edmond Jouve, les problèmes politiques sont les problèmes de tout le monde et les problèmes de tout le monde sont des problèmes politiques. En discutant politique, les parlementaires debout entendaient imposer leur point de vue dans le débat congolais, plutôt qu'à s'engager dans la lutte du pouvoir, moins encore à participer à sa gestion. Ils ont toujours perçu la politique comme l'art de mentir.

Du point de vue social : une lutte des classes

La démocratie pour les Congolais en général et pour les parlementaires debout en particulier était synonyme de mieux-être, susceptible de permettre l'accès au manger, aux soins de santé et à l'éducation pour tous. Par conséquent, toute obstruction à la démocratie était synonyme de perpétuation de la misère du peuple. Or, Mobutu était considéré comme le principal goulot d'étranglement à cet avènement. En tant que vision futuriste, le parlement debout participe de la lutte quotidienne kinoise pour l'indépendance du ven- tre, du lingala, 'kobeta libanga' (casser la pierre). Par néologisme, cela s'appelle, le 'libanguisme' (la lutte pour la survie).

Le parlement debout apparaît donc comme un processus de socialisation, une alliance des pauvres à la recherche d'un lendemain meilleur. La socialisation étant entendue comme « le processus d'assimilation des individus aux groupes sociaux (Boudon et Bourricaud 1982:527). Par le fait de développer des relations sociales, de s'adapter et de s'intégrer à la vie du groupe, le parlement debout pouvait s'interpréter comme un moyen de lutte pour la survie.

C'est ainsi que, par instinct de protection contre l'ordre ancien, dans une ville de Kinshasa habitée par une majorité de laissés pour compte, le 'parlementarisme debout' ne recruta que parmi la couche sociale pauvre. Il est évident qu'au-delà de facteur d'intégration, dans une société donnée, la socialisation « représente un apprentissage et un ajustement », écrit Grawitz M. (2004:374), face aux valeurs, aux normes et aux codes symboliques de ladite société.

Du point de vue culturel : une quête identitaire
Dans leur idéalisme, en faisant entendre leur voie, les parlementaires debout croyaient de la sorte, pouvoir affirmer leur identité par rapport à une société matérialiste, minée par des antivaleurs ainsi que par la dépravation des mœurs politiques et sociales.

L'identité est définie par Warnier (2004:23) comme « l'ensemble des répertoires d'action, de langue et de culture qui permettent à une personne de reconnaître son appartenance à une certain groupe social et à s'identifier à lui ». D'où, le contrôle de l'information devient le principal point d'achoppement entre le pouvoir et le parlement debout. Il est évident, indique l'auteur, que « les questions posées par des conflits politiques émergent dans le débat politique sous forme des revendications politiques et que dans les médias, la politique apparaît comme un ressort important de ces revendications identitaires » (Warnier 2004:99-100).

Par revendications identitaires, il faudrait entendre d'après Warnier J.-P. (2004:99-100), « les conduites identificatrices revendiquées par un groupe de manière agressive au regard des autres groupes, et autoritairement conformistes à l'intérieur. Ces réactions, sont une réponse suscitée par la menace de l'autre sur les cultures singulières des groupes ».

Ce qui est en cause ici, c'est la domestication groupale de l'information par les parlementaires debout, que Bianchi J. et Bourgeois H. (1992) identifient traditionnellement à l'« appropriation du public » (in Kayembe 2003:9). Les auteurs assimilent les dynamiques d'appropriation, disons l'usage que les parlementaires debout font de l'information, comme « une donnée de la situation culturelle en face de laquelle le public se prononce et réagit…cherche à montrer ce qui se passe dès qu'un écran s'allume, qu'un écouteur fonctionne ou qu'une page imprimée se donne à lire » (Kayembe 2003:9).

Et avec Dereze G. (1997), on s'aperçoit que toute pratique culturelle renvoie à un « assemblage plus ou moins cohérent, fluide, d'éléments concrets ou idéologiques (religieux, politiques), à la fois livrés par une tradition (celle de famille, de groupe social) et réactualisés au jour le jour à travers les comportements traduisant dans une visibilité sociale des fragments de ce dispositif culturel ; pratique est la capacité de ce qui est décisif pour l'identité d'un usage ou d'un groupe pour autant que cette identité lui permette de prendre place dans le réseau des relations sociales inscrites dans l'environnement » (in Kayembe 2003:195). Le parlement debout équivaut, ici, à une forme d'affirmation de soi.

Mais, qu'est-ce qui pourrait expliquer la survivance d'un tel phénomène ?

Mécanisme de reproduction

La reproduction du phénomène de parlementaires debout, semble avoir obéi à une double logique de dynamique de groupe (ou dynamique des groupes), entendu sociologiquement, comme un ensemble des règles qui président à la conduite des groupes sociaux dans le cadre de leur propre activité. En clair, face aux motivations et aux influences, il s'agit de « forces de cohésion qui maintiennent les individus dans le groupe, formes de l'autorité qui conduisent le groupe à réaliser plus ou moins bien ses tâches, influences qui s'exercent sur les individus lors de leur passage par le groupe » (Stoetzel 1971:200).

Dans leur *Dictionnaire critique de la sociologie*, Boudon et Bourricaud (1982:504) font observer que « Les phénomènes de reproduction – c'est-à-dire d'équilibre – sont aussi difficiles à expliquer que les phénomènes de changement et de déséquilibre. Ils comportent une double tentation : celle de l'explication téléologique, et du recours à l'analogie organiciste ».

Ainsi, distinguons-nous comme à la base de reproduction du phénomène étudié :

• *Les besoins de renouvellement :* ils résulteraient des interactions et contradictions internes entre parlements ou parlementaires, face à l'ensemble des règles qui président à la conduite du groupe (égalité, respect mutuel, tolérance, camaraderie, fraternité, nationalisme,…) dans la mesure où « les groupes possèdent leur culture propre, comportant des différentiations préétablies, des normes et des valeurs, des rites, mais encore qu'ils se raccordent à une société plus vaste, et qu'ils s'intègrent dans des rouages plus généraux » (Stoetzel 1971:204). La faiblesse des parlements debout tiendrait à leur nature, la fonctionnalité (sur la base affective) de sympathie, d'antipathie ou d'indifférence, comme petits groupes artificiellement constitués au lieu d'une hiérarchisation (sur la base d'autorité) suivant une ligne de conduite fondée sur la discipline et la sanction par exemple.

• *Les besoins de communication :* ils relèveraient de l'impératif de sensibilisation par le contrôle de l'information politique mais aussi, en vue d'établir entre parlements des échanges d'informations ou des communications. Le parlement se réduit en l'espèce, à une instance de transmission de pensée ou de ce qui est considéré, à tort ou à raison, comme la volonté du peuple. La survivance du parlement debout, s'apparente alors, à une réponse d'inadaptation des réponses politiques aux exigences de la démocratie. Il est donc établi que « l'activité de communication politique issue de l'enracinement du parlement debout dans l'espace public est la manifestation d'une insatisfaction d'une part et la lutte contre la 'politisation' du système général de l'information politique (variable exogène) à partir d'une politisation des espaces publics (variable endogène) d'autre part (Kayembe 2003:489).

En dialectique, la dynamique renvoie à un ensemble des forces en interaction et en opposition dans un phénomène, une structure. Stoetzel J. (1971:203) l'affirme sans équivoque : « Le système des communications est donc en relation, à la fois comme cause et comme effet, avec un autre aspect de la structure, celui des statuts et des rôles » des parlementaires debout. La tendance est grande d'attribuer le phénomène du parlement debout à l'exceptionnalisme ou au particularisme congolais. Repris par Kayembe, (2003:195), Ekambo J. fait remarquer à cet égard, qu' « il ne peut être pas complètement établi que la problématique de la groupalité dans l'usage de l'information soit opératoire exclusive à la société congolaise ou africaine » (www.u-grenoble 3.fr, avril 2004).

En effet, devant cette double nécessité commandée par l'évolution du processus de transition, on a assisté à l'émergence de plusieurs types des détenteurs du pouvoir de la rue, selon une autre expression consacrée au Congo.

Typologie de parlementaires debout

La société congolaise sous la transition, est une société en perpétuelle muta-tion, caractérisée par des évolutions politiques rapides dont l'année 1990, comme nous l'avions dit, constitue la charnière, partant de Mobutu (multipartisme à trois au multipartisme intégral) à Laurent-Désiré Kabila (hibernation politique, retour au monopartisme puis au multipartisme à quatre) et à Joseph Kabila (un multipartisme limitatif, puis le multipartisme intégral). Chez Comte et Spencer, statique sociale (équilibre des sociétés) s'oppose à la dynamique sociale (progrès des sociétés) (Lalande 1985:255), cette dernière étant la partie de la sociologie qui étudie les faits en évolution et non dans leur état actuel.

Or, on peut à juste titre considérer les parlementaires debout comme le baromètre de la transition. En s'appuyant sur la dynamique sociale en tant qu'elle traite du progrès des sociétés (Grawitz 2004:135), nous pouvons distinguer trois types de parlementaires debout.

• *Le type fanatique* : il se distingue par une attitude militante parfois surréaliste. Cette typologie comprendrait les parlementaires debout de la première génération des années 90-97. Tshisekedistes jusqu'à la moelle des os, ils firent preuve d'intransigeance, de nature irréconciliable et très fanatique, prêt à tout. Le type fanatique eut plusieurs échauffourées avec l'armée ou la gendarmerie à la 12è rue Limete. BBC-Carrefour à Bukavu a beaucoup gêné le pouvoir. La dispersion des parlementaires debout par l'armée mobutiste au temps fort de la transition y entraînera mort d'hommes.
Mobutu, alors en baisse de popularité jamais connue parmi les Congolais, les parlementaires debout jouissent d'une double confiance de la part de la popu-lation : en tant que le porte-parole de l'opposition radicale et en sa qualité de relais des journaux. La majorité de la population constituée d'analphabètes, a toujours assimilé l'opinion des médias à une parole d'évangile.

- *Le type attentiste* : en dépit de la demande politique, son comportement a été théoriquement marqué par une certaine attitude prudente. Dubitatif, il vit dans l'expectative, accordant au pouvoir le bénéfice du doute au regard de son intention de mener jusqu'au bout le processus démocratique. S'il se réserve souvent de l'action de rue, c'est par peur de la gâchette facile de l'armée de l'AFDL et non par allégeance au nouveau régime décrié, par les deux ténors de l'opposition, Tshisekedi (UDPS) et Gizenga, du Parti lumumbiste unifié (PALU), qui lui reprochèrent le retour à la dictature.
Son attitude est marquée par une certaine réserve face aux rapports de forces qui l'oppose au pouvoir, particulièrement de Kabila père (1997 à 2001). Mais ceci n'a pas empêché aux parlementaires kinois de s'insurger contre son régime accusé de connivence avec les Tutsi ou contre le RCD (Rassemblement congolais pour la démocratie) en 1998, malgré l'usage abusif de la force. Dans les deux cas, on assista à l'interdiction d'attroupements, la répression des parlementaires afin de les décourager dans leurs initiatives.
En tous temps et en toutes circonstances, à l'instar d'un cadavre de vipère, mort ou vivant, chaud ou froid, le parlementaire debout fit toujours peur, dérange.

- *Le type associatif et communicatif* : cette troisième génération des parlementaires debout (2001-2006) se distingue, par une attitude expansive. C'est un prototype qui aime à communiquer ses sentiments. Il est expansif et proche de l'esprit associatif, à la limite, se complait-il à la résignation. Le parlement debout se réduit de plus en plus à un club d'amis. En plus de l'actualité politique, il s'y dispute toutes sortes de commérages : musique, football, faits divers, etc. Le parlement debout offre ainsi un cadre où les sans emplois peuvent se retrouver pour perdre le temps, 'boma l'heure', selon l'expression consacrée en langue lingala.

Que retenir de tout ce qui précède ?

Conclusion

Beaucoup d'éléments de réponses peuvent être tirés de l'analyse par rapport à notre sujet : *Parlementaires debout : l'interface de l'opposition politique pendant la transition en République démocratique du Congo.*

- *Primo* : Les parlementaires debout sont une force inclusive de la transition et un dérivatif à la crise de confiance entre le pouvoir et le peuple.

- *Secundo* : Instance de dissidence, initialement conçu comme espace populaire de communication pour libérer la démocratie (1990 à 1997), le parlement debout a joué le rôle de contre-pouvoir et d'auxiliaire d'opposition. Même s'il subsiste au fil de l'évolution de la transition, après la chute du régime Mobutu en 1997 et les élections démocratiques de 2006, le parlement debout s'émousse et se fragilise, quand bien même il inquiète toujours le pouvoir.

• *Tertio* : En ce qui concerne son contenu intellectuel ou le fondement théorique du parlement debout, nous venons de démontrer, sur le plan politique que le phénomène devrait être compris comme une lutte idéologique, un mode de participation politique pour le contrôle de l'espace médiatique. Sur le plan social, il est une lutte d'hommes, qui, à travers un processus particulier de socialisation, luttent contre l'injustice sociale. Sur le plan culturel, le phénomène se réduirait à la recherche d'une nouvelle identité du groupe, dans une société qu'il considère comme sans repère.

• *Quarto* : Effectivement, quant à l'impact du parlement debout sur l'avènement de la démocratie, il est à la fois relatif et subjectif. D'une part, il n'est pas quantifiable. D'autre part, le degré de conviction des parlementaires eux-mêmes a été pour le moins variable, selon qu'on est fanatique, attentiste ou communicatif. Là aussi, la ligne de démarcation est loin d'être tranchée, qu'elle se complique par l'existence des modérés et des extrémistes dans un camp comme dans un autre. En dépit de son rôle symbolique, le moins que l'on puisse dire, est que le parlementaire s'est efficacement assumé en tant que système d'alarme fort contre tout dérapage ou obstacle sur le chemin de la démocratisation. En revanche, les parlements debout se sont indistinctement illustrés par une lutte au niveau verbal où l'influence de la psychanalyse s'est avérée plus ou moins forte. Une chose est sûre, la vocation des parlementaires debout a été proportionnelle au déficit démocratique.

• *Quinto* : De par sa spécificité, bien que limitée, le parlement debout apporte une réelle contribution au débat africain. Il est à la fois un cadre de liberté, de pensée et d'expression de la confrontation, entre les intelligences de l'intelligence politique publique et les intelligences de l'intelligence politique privée. A cet égard, il a pu être observé un déficit du leadership pendant la longue transition congolaise, déficit révélateur d'une crise de confiance entre la population et ses dirigeants, toutes tendances confondues.

Toutes proportions gardées, en guise de conclusion, l'expérience congolaise du parlement debout ne pourrait servir de modèle à l'espace public africain qu'à certaines conditions ci-après :

• la récupération intellectuelle du parlement debout par l'élite consciente, en vue d'en faire le lieu de réflexion constructive sur la gestion quotidienne de la cité ;

• le développement de la réflexion sur le phénomène du parlement debout à travers des échanges et discussions entre différents centres de recherche pour une approche africaine innovante de la démocratie participative ;

- le rappel à l'ordre de l'agir politique des dirigeants africains, par l'agir communicationnel à travers des rencontres et regroupements régionaux des parlements debout, en vue de la quête des solutions concertées, susceptibles d'élever le débat et de créer une synergie face aux discours officiels.

Devons-nous parler d'un rêve ou d'une utopie ? Peut-être, mais au commencement était la parole et la parole se fit chair.

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Also in this Issue / Aussi dans ce numéro

Capitalist Globalisation and the Role of the International Community in Resource Conflicts in Africa

Adekunle Amuwo*

Abstract

The principal thesis of this paper is that under contemporary capitalist globalisation, the so-called international community constitutes more of the problem than the solution in the continent's resource and allied conflicts. We argue that the geo-strategic and geo-political interests of major western and other powers and the transnational capitalist class (TCC), which tend to defend and enhance these interests, have over the past several decades either been the root cause of resource conflicts on the African continent or have fuelled, exacerbated and prolonged them. The almost devotional attitude of the continent's ruling elites to the values and institutions of capitalist globalisation – and its resultant unequal distribution of the gains and pains of market reforms – have equally contributed to resource conflicts. While there is a complex interplay between internal and external factors and actors, on-balance external causation has, by far, dwarfed internal explanations of conflicts. African societies and peoples have thus suffered an unmitigated internationalisation, exploitation and pillage of their rich tropical hardwood, gems, mineral and oil resources. The paper proposes a strategic coalition of victims of capitalist globalisation and capitalist militarisation in Africa and elsewhere (nations, societies, communities and peoples) to systematically confront and oppose the most invidious process that has turned Africa's resource blessing into resource burden.

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Résumé

Cette étude défend essentiellement la thèse selon laquelle dans un contexte de mondialisation capitaliste, la soi-disant communauté internationale constitue plutôt un problème que la solution des conflits et autres exactions se déroulant sur le continent pour le contrôle de ses ressources. Il nous semble qu'au cours des nombreuses décennies, les intérêts géostratégiques et géopolitiques des principales puissances occidentales et d'ailleurs et la classe capitaliste transnationale (CCT) qui a tendance à défendre et à revaloriser ces intérêts ont été la cause profonde des conflits pour le contrôle des ressources du continent africain. Elles les ont alimentés, exacerbés ou perpétués. Les élites qui détiennent le pouvoir sur le continent font montre d'une dévotion presque religieuse aux valeurs et aux institutions de la mondialisation capitaliste et la répartition inégale des bienfaits et dégâts résultant de la réforme des marchés ont également aggravé les conflits pour le contrôle des ressources. Même si l'interaction entre facteurs et acteurs internes et externes peut s'avérer complexe, au bout du compte, les causes externes l'emportent de loin sur les justifications internes des conflits. Les sociétés et les peuples africains ont ainsi souffert d'une internationalisation, d'une exploitation et d'un pillage parfaits de leur bois dur tropical, de leurs pierres précieuses et de leurs ressources minérales et pétrolières. Cet article propose donc une coalition stratégique des victimes de la mondialisation capitaliste et de la militarisation capitaliste en Afrique et ailleurs (nations, sociétés, communautés et peuples) pour confronter et s'opposer systématiquement à ce processus on ne peut plus injuste qui a transformé la bénédiction des ressources africaines en fardeau.

Introduction

The promise of contemporary capitalist globalisation to integrate Africa into mainstream global production having been largely thwarted by unequal or lopsided integration, the continent has largely lost out in accessing the benefits and opportunities of globalisation. Clearly, the same processes of globalisation that have produced (and continue to produce) prosperity in much of the Global North (and in some parts of the Global South, accessed by transnational capital and transnational capitalist class and its objective allies) have been responsible for the production of poverty and exploitation in much of the Global South (and maintained the slums of the poorest of the poor in the Global South). The resultant further weakening of the nation-state in the latter and its deepening material impoverishment have tended to attract sundry external economic vampires and buccaneers aided and abetted by hegemonic internal social forces to exploit and pillage its rich tropical hardwood, gems, fish, minerals, water, land and oil.

African states need to be historicised and periodised within the context of national dynamics and the global system in order to understand their ambivalence – that is to say, why they seem to obey more external impulses than internal clamours and struggles for social justice and political inclusiveness. The international community is no less ambivalent than the increasingly privatised and corporatist neo-colonial state. To be sure, in a post-Cold War world, international actors are anything but homogenous, and they impact differentially in individual African contexts. What this suggests is the need for a nuanced methodological *démarche* and more conceptual rigour that combine to impose a contextual and specific use of the term 'international community'. There is no homogenous or monolithic 'international community'– even though more often than not the great powers tend to project their own interests and defend their privileged turf in the name of that community. By the same token, while the contemporary stage of capitalist globalisation is dominated by transnational capital, state and class, particularistic capital, state and class, though undergoing trans-nationalisation, continue to defend the interests of state-based and class driven domestic capital.

In addition to the two dominant thinking on the causes of contemporary conflicts – grievance and greed theories – structural inequalities occasioned by contemporary capitalist globalisation provide a potent explanatory framework for political violence and economic conflict in developing countries. While certain causative factors may be specific to individual countries, grievance theories, which are essentially political, appear more salient on account of the failure of development in many equally neo-adjustment African states. Political grievances often eventually snowball – or get dissolved – into greed theories at the interstices of political and economic interests where national and international hegemonic forces get involved in titanic battles over strategic natural and mineral resources. At this juncture, profit will join the quest for political power as one of the motivations for conflicts and civil wars. The latter will amount to 'the continuation of economics by other means' (Hubert 2000). Similarly, wrenching and retaining power may also be, in the imaginings of the protagonists, about the most rational way to achieve true emancipation from external domination and internal repression.

This paper adopts a combination of radical political economy and critical historiography approaches, which suggests a sharp critique of capitalist globalisation. It interrogates the extremely complex nature, context, terrain, and texture of resource conflicts in post-Cold War Africa. This is a context of warlords, drug barons, mercenaries, militias, private security organisations, transnational corporations, transnational capital and transnational capitalist class (TCC); transnational labour and transnational social forces; great and

rich powers, and African ruling elites. The principal thesis is that the role of the international community (principally trans-national corporations (TNCs), western and other powers) has been at once predominant and ambivalent. While the arms industry of major western powers and China in particular – through the intermediary of their trans-national corporations, private security firms, mercenaries, arms and ammunitions industries, and individual arms merchants – supply 'resources for fighting with a view to fighting for resources', the same powers and the International Financial Institutions (IFIS) they control are the ones that fund post-conflict reconstruction, peace keeping and peace building initiatives. In the process, these gladiators thrive in two seemingly diametrical and parallel worlds of 'resource war and resource peace' (Hubert 2000).

Relations between western corporate conglomerates and warlords (in particular the use of the latter's international trading networks for money and resource laundering) and the collusion between mining and oil companies and African ruling elites permit the former to exploit resources and destroy the environment with impunity. In light of this, we argue, 'the international community constitutes more of the problem than the solution'.

Capitalist Globalisation, Structural Crisis of Capitalism and the African Neo-Colonial State

Second only to the scourge of war, the contemporary capitalist phase of globalisation is arguably the greatest challenge to the Global South in the unfolding 21st Century, not least because of the political economy of accentuated uneven development its operational logic imposes on much of that segment of the globe (Khan 2006: 128; Swyngedouw 2004; Naim 2009; Robinson 2005, 2007, 2008; Urry 2005; Amin 2006; Mittelman 2000, 2004; Jessop 2003; Keller 1996). There are two generic views on contemporary globalisation. The first, which offers an optimistic and humanistic perspective, proffers that globalisation is a benign and beneficent social phenomenon. This is an implicit reference to human solidarity, sisterhood and brotherhood. This reference is sometimes prescriptive rather than descriptive such as Samir Amin's (2006:5) moralist notion of a globalisation of 'real and complete multi-polarity' as against the notion of profit as the essence of trans-national capital. Amin envisions his moralism as one that can give 'a place to all nations on earth', meaning '100 per cent of humanity'. This perspective which hails the potential of globalisation to make the world a better place materially and otherwise for the large majority of the world population is the product of a seeming non-ideological and apolitical conception of the phenomenon. The International Environment Forum (IEF), in its 'Statement for the World Summit on Sustainable Development' (August 2002) describes

globalisation as 'only a continuation of the natural processes of human evolution towards higher levels of social integration'. While Brzezinski (2004:139) claims, on the one hand, that globalisation emerged as 'a neutral description of a process that is inherent in the worldwide effects of the technological revolution', he also asserts, on the other, that globalisation is 'the fashionable ideology of post-ideological age' (p. 143). Thus, notions such as 'global interdependence' and 'shared values' are deployed to describe globalisation apparently as an incentive for a global buy-in by all and sundry. The 'shared values' include the following: neo-liberal democracy, market economy, rule of law, free trade, human rights, stability, sovereignty and territorial integrity. Within this ambit, the IEF enunciates the credit or positive side of globalisation as follows: a global intellectual system, product of terrific advances in, among others, science, engineering, medicine and technology; increasing opportunities for wealth creation; new economies of scale and new opportunities for humanity to share the planet's variety; and 'the emergence of a new awareness of our common humanity with a set of universal values, extending beyond traditional boundaries of nations, races, classes or religions. McRae (2000:4-5) tars the picture with the same brush: lucrative international trade; gigantic flows of capital across national borders; and relentlessly decreasing communication costs. Others include the quantity, quality, and variety of goods and services; enormous investment and employment opportunities; the incredible wealth the global economy produces annually; individual liberties and the freedom of people to make their own choices; and (perhaps rather coyly) 'a surge in international migration as people seek economic opportunities'.

The second perspective conceptualises globalisation as 'unification for the dominant', that is, a human design and creation with the primary aim of giving primacy to the market and the expansion of trans-national capital. In theory and in practice, corporate values are simultaneously ascendant and transcendental. Insofar as globalisation is central to the relations among core, semi-peripheral, and peripheral states, trans-national capital operates as a double-edged sword. While it delivers prosperity, services and security to the transnational capital class and ruling elites across nations; poverty, repression and destruction are reserved for their excluded counterparts (Khan 2006:139, 132). A well-articulated socio-economic agenda of globalisation is clearly at work in the Global South, which consists of 'limiting the aspirations of the working class and property-less, increasing profits and preventing the state from any intervention that might promote welfare through redistribution'. Private profits are also promoted at the expense of poor nations and poor peoples (Khan 2006:132). Globalisation is, to that extent, not an opportunity,

but a threat, to the majority of the peoples of the world (Kim, Parker and Choi 2006:432). To all appearances, those who benefit most from globalisation are the most enthusiastic about its spread, its putative benefits as well as about how the most vulnerable states, governments and people kowtow before it. Stiglitz (2006) argues that not only has globalisation failed in practice to live up to its potential, it has actually contributed to social distress. This is because, for him, the key institutions responsible for establishing the rules of global financial, economic and trade governance – the IMF, World Bank and WTO – appear more driven by narrow ideology and the demands of special interests. Shared values are hardly equally shared. The tendency is for the weakest and the poorest of states to cling to ambivalent notions of international law and international morality whenever the great powers throw their weight around, using an admixture of hard and soft power to fulfill their national, strategic, and geopolitical interests on a global scale. Further, the putative virtue of global interdependence is besmirched by the vice of unequal dependency.

But globalisation has done little to lessen national identities even though the nation-state or territorial state is becoming an ever more complex political structure and social institution (Naim 2009). Its nature and meaning are also evolving 'as social relations and structures become transformed, particularly as they trans-nationalise' (Robinson 2007:14). It is precisely at the level of trans-nationalisation of the state, capital and capitalist class that Robinson's works are very illuminating, not least in exposing the unstable juxtaposition between the nation-state/inter-state system and transnational social groups and classes operating through states and related institutions. Several insights from him are particularly germane to the elaboration of a more nuanced understanding of the second dominant perspective of globalisation. One, Robinson (2007:23) argues that 'capitalist imperialism' is considerably more complex under globalisation than the more facile North-South/Core-Periphery framework through which it has for long been apprehended. Two, globalisation is 'a new stage in the history of world capitalism involving the integration of national and regional economies into a new global production and financial system and such related processes as transnational class formation' (Robinson 2005:5).

Further, the use of the global capitalist theory (which analyses hegemony in the global system from the standpoint of 'an emergent global capitalist historical bloc, led by a transnational capitalist class') brings into sharp focus the superiority of transnational social forces and institutions over the system of nation-states and national economies. This superiority emanates from the interface between national and transnational elites which results in 'the

horizontal integration of classes and social forces' that 'operate through webs of national and international institutions'. The emphasis is on new forms of transnational class relations and class cleavages not only globally but also within countries, regions, cities and local communities. By the same token, new forms of transnational capital, transnational state and a new transnational capitalist class are implicated in 'globalised production, marketing and finance'. They also manage 'globalised circuits of accumulation 'which furnish 'an objective class existence and identity spatially and politically in the global system above any local territories and polities' (Robinson 2005:5-6). Four, while capital is not wholly de-territorialised and world politics still has a geopolitical referent, de-centring (not re-centring) of the 'global economy, its fragmentation and the rise of several zones of intense global accumulation' is the archetypal norm. This is because 'national networks of capital have become overlapping and interpenetrating' (Robinson 2005:9). Five, contrary to the methodological approach of the *New Imperialism School* which separates the political from the economic, Robinson (2007:24) argues that 'imperialism is not about nations but about groups exercising social power through institutions to control value production, to appropriate surpluses, and to reproduce these arrangements'.

Found in virtually all spaces and climes around the globe, the interface and enmeshment between national and transnational elites is fascinating: 'the localisation of the global and the globalisation of the local become crafted in a place-specific manner, yet exhale perplexing, and often disturbing, common threads' (Swyngedouw, Moulaert and Rodriguez 2003:6). This is akin to Swyngedouw's study (2003:5, 10) of the world in a 'dynamic process-based manner', implying the study of globalisation as one of 'shifting relations and geometries of power'. He also avers that 'capitalist geodynamics are inherently tied up with processes of territorialisation, de-territorialisation and re-territorialisation'. Two other notable scholars complete this complex and nuanced dynamic interface between the core, semi-periphery and the periphery in terms of space and time. For Jessop (2003:1-2), globalisation is nothing but a multi-centric, multi-scalar, multi-temporal, multiform, multi-causal and spatio-temporal process. This is because insofar as globalisation emerges from activities in many places as well as actions on many scales, there is 'no simple opposition between the global and the national or the global and the local. The former may in fact be little more than 'a hugely extended network of localities'. Finally, according to Mittelman (2004:5), the three major processes that come to the fore in capitalist globalisation (which has tended to be 'normalised as a dominant ideology') are the global division of labour and power; a new regionalism; and resistance politics.

The foregoing suggests that whereas globalisation is gradually turning the world into a 'global hamlet' for expropriation and appropriation by the TCC, political realism in international relations and global politics has not totally expired. Humanity also remains deeply divided not only by culture, tradition, and history but also by what Kaplan (2009) refers to as 'the bleaker tides of passion that lie just beneath the veneer of civilisation'. Territorialised and localised ethnic, cultural, religious and political actions continue to valorise sundry identities of people across the globe and within and across countries and regions – a phenomenon Kaplan (2009) characterises as 'the revenge of geography'. Even under contemporary multifaceted globalisation, natural frontiers are limiting human freedom and choice. According to Mittelman (2000), the cultural dimensions of globalisation are arguably the most significant from the point of view of global under-classes and weak states. He underlines the importance of listening to the voices of those most affected by globalisation's cultural dimensions, those who, because globalisation represents more of a loss than a gain for them, are hurt by it and try to resist it. The loss is expressed in the form of inequality, exclusion, and an increasingly irrelevant and irreverent state, by virtue of the erosion of its power by the market. The erosion is typified not only by the IMF/World Bank's fundamental market reforms but also by global currency speculation. Mittelman (2004:xi) refers to the resistance to globalisation as 'alter-globalisation' (not anti-globalisation because he believes that resistance is not so much against globalisation *qua* globalisation as against neo-liberalism and its devastation across the globe, Mittelman 2004:8), that is, 'an ensemble of countervailing power, competing knowledge sets and ideological contestation'. High priests of an ideologically and politically neutral capitalist globalisation are often at a loss about its severe contestation in different loci of the globe. They overlook the fact that this perspective on globalisation has been 'silent about social hierarchies and power relations' (Mittelman 2004:4).

For the vast majority of African states, governments and people, globalisation represents no more than another phase – a superior phase to colonial capitalism – in the unequal exchanges between Africa and West and other powers (Rodney 1982:160-161). There is little doubt that the neo-liberal onslaught against African political economies in the past three decades has, almost everywhere, irreparably weakened the neo-colonial state, jeopardised its performance legitimacy and all but sounded the death knell of its development ideology. Whereas Amin (2006:27) opines that 'to benefit from openness, one must know how to manage it', Keller (1996:1) argues that the emergence of popular movements for political and economic reform in the 1990s was not only a function of 'poor governance' and 'bad policy

choice', but, perhaps more significantly, 'intrusive external interference in African affairs'. To a large extent, the latter factor has often spawned the former pair of factors.

Almost by inadvertence, Stiglitz (2002:20) has bridged the gap between the two dominant perspectives on globalisation, even while giving vent to how to manage openness when he writes memorably as follows: 'globalisation itself is neither good nor bad. It has the power to do enormous good, and for the countries of East Asia who (sic) have embraced globalisation 'under their own terms', at their own pace, it has been an enormous benefit, in spite of the setback of the 1997 crisis. But in much of the world, it has not brought comparable benefits. For many, it seems closer to an unmitigated disaster'. (emphasis in the original). We return to the (East) Asian case below. Clearly, one region of the world where the praxis of globalisation has, willy-nilly, been 'an unmitigated disaster' is Africa. According to Ukeje (2007:355), contrary to globalisation's dominant neo-liberal epistemology's promise of renewal and sustainability everywhere; in Africa, globalisation is 'exacerbating the fault-lines among different social groups and fuelling political instability, civil strife and, ultimately, state decay and collapse'. Africa has been the victim of the type of globalisation to which it has been unduly exposed as well as the relations of power underpinning it.

Expressed differently, in much of the real world in general and in much of Africa in particular, the second perspective appears dominant. Capitalist globalisation is anchored on a global hierarchy of power and wealth in geographical, class and racial terms. It is also based on an inequality of emancipation. In addition, it thrives on an historic and unending assault on the people of the Global South by neo-liberal policy, global exploitation, and imperialist military and cultural apparatus. All these elements aggregate to reinforce lack of social justice and socialist imagination that are 'central to global inequality and underdevelopment' (Saul 2006:2, 16, 36, 50; Amin 2006:2). Thus, contrary to what happened during the Cold War period when the West's policies allowed some friendly Asian economic Tigers and Dragons (such as South Korea and Taiwan) to emerge as part of its own containment policy of Communism, capitalist globalisation has given little elbow room for autonomous development and, to that extent, has appeared ill-suited to produce another round of capitalist development in the Global South. According to Andre Gunder Frank (in Saul 2006:10-11), the only time in history when genuine economic development had occurred in the Periphery was during the two world wars and the Depression of the 1930s. And that happened because trade and investment links between the Core and the Periphery were either completely broken or became extremely weakened. Amin (2006:10 and 39) also contends that US' generic geo-political strategy

of dissuading the formation of regional blocs capable of re-negotiating the current terms of globalisation and the contemporary polarisation spurred by the global expansion of capital have tended to limit the possibility of reproducing the development model of the Global North in the Global South. It should be noted, however, that while the 'tigers' or 'dragons' in East, North-East and South-East Asia (notably members of the Association of South-East Asian Nations, ASEAN) may have modeled their developmental states on Japan's success, these states do not, by any means, constitute a monolithic group (Shutt 1998:209; Bergsten 2000:21).

Defined as 'organisational complexes in which expert and coherent bureaucratic agencies collaborate with organised private sectors to spur national economic transformation' (Doner, Ritchie and Slater 2005:328), the strong or hard state at the vanguard of the developmental projects in East and South-East Asia did not arise as a result of the benevolence of the US and the EU. The latter have thinly disguised their lack of interest in further liberalisation of the global economic, financial and trade systems so that they could further their hegemonic drive (Bergsten 2000:20). Asian developmental states have resulted from several factors including the following: the state's relative autonomy, political power and more control over the economy through regulation, including the pursuit of nationalistic industrial policies; exploitation of cheap labour and imported Japanese and western capital and technology; and strong government. Others are: the politics of enlightened self-interest and 'the constraints that make it difficult for politicians to preserve power through clientelist connections to the private sector'; nationalistic and patriotic leaders with long-term visions willing and capable to confront the short-term visions of the IFIs and MNOCs; regulation of the latter to ensure they follow national standards for pay and labour conditions, payment of adequate taxes and the investment and re-investment of part of their profits domestically; and refusal to adopt and execute neo-liberal or market reforms wholesale (Amin 2006:32; Short 1998:162, 209; Doner, Ritchie and Slater 2005:329; Amuwo 2008:13-16). Perhaps the most significant factor in the dramatic economic success story of many an Asian state is what Shutt (1998:209) refers to as the region's 'robust culture of single-minded dedication to national collective goals'. Often routinely conflated with Confucianism, this culture, for Shutt (ibid.) is, almost in all material particular, the anti-thesis of 'the rather self-indulgent individualism of the west'.

On account of their successful economic development and industrialisation, Asian tigers have, in the past decade or so, been able to challenge the dominance of the world's financial and trading systems nested in the G7/G8 (Bergsten 2000:19). On the contrary, African countries have

generally adopted a western-driven dependency path to development which, *grosso modo*, is the anti-thesis of the Asian path in terms of an industrialisation policy that neither protects its internal market from the ravages of competition nor forbids foreign capital from owning imported industrial plant (Amin 2006:88). This largely explains why Asia's developmental states have, by far, bested African countries, in the appropriation and expropriation of the benefits of capitalist globalisation. In other words, the distribution of threat and opportunity of globalisation is uneven across and among nation-states. This distribution is a function of the extent to which each state can deploy its arsenal of structural and empirical capacities to favourably and profitably utilise globalisation for the long-term interest of its citizenry. Two viewpoints are pertinent here. One, because the general experience of the Global South under capitalist globalisation is one of 'the unmediated rule of global capital and the solitary imperative of capital accumulation' (Saul 2006:44), globalisation is little more than 'the preferences of hegemonic states'. This type of globalisation props up the forces that marginalise African values, standards and traditions. These include traditional and Afro-centric mechanisms for conflict prevention and resolution. Two, in spite of the foregoing, hope and 'optimism maketh not to be ashamed'! Thus, Makinda and Okumu (2008:8, 17, 37) contend that 'globalisation can be managed and controlled for the benefit of human kind'. But can it, for the African segment of humanity?

Mainly because of the phenomenon of the hallowing out of the neo-colonial African state through the agency of orthodox market reforms from the 1980s, structural analysts have tended to cast doubts on the viability of the state and on its power of agency to domesticate global structures (Khan 2006:129). For African states – admittedly at different levels and degrees – globalisation comprises several elements. One, it is part of the larger movement of history which sanctions the logic of post-Cold War domination of western powers on the Global South. The usual refrain is that 'the strong can now extract what it will, and the weak must surrender what it cannot protect'. The latter includes extremely strategic oil, water and minerals under the soil, thus undermining both the territorial integrity/sovereignty and the security of peripheral nation-states and societies. It would appear, on the ground, that post-Cold War globalisation is no more than a deliberate attempt by the masters, overseers and super-managers of the global village (that is, the International Financial Institutions IFIs, TNCs, and the G7 + Russia) to roll back the economic gains recorded by African countries during the Cold War period (Tandon 1998/1999:22; Gelinas 2003:83ff). The so-called Multilateral Agreement on Investments (MAI) has tended to ensure the hegemony of foreign capital over national capital in developing countries. As far as African

states are concerned, MAI translates to a lack of control by their governments over the entry and the *modus operandi* of foreign capital. This is so because MAI frowns at indigenisation policies. On the issue of profit repatriation, it also stipulates a better treatment of foreign capital vis-à-vis national capital. In addition, the former is often protected against indiscriminate appropriation or nationalisation by the state (Tandon 1999:117, 129-130).

Two, as earlier alluded to, contemporary capitalist globalisation reinforces the impact of hard economics and *real politik* by major international public and corporate actors. This is akin to the mercantilist era of capitalism, which was marked by decreasing national control and corresponding increasing external control over the economy by outside players. Contrary to received wisdom, however, the state *qua* state continues to be relevant in the matrix of people-centred growth and development. According to Tandon (1998/1999: 17), 'at a time when states are weakening in the face of the power of the large MNCs (or TNCs) the state … remains an important weapon (besides capital) of struggle for markets and control over raw materials'.

Three, given the primacy of financial liberalisation, liberalised capital and commodities in the globalisation matrix, the significance of private and corporate accumulation of capital over the welfare and happiness of people comes into bold relief. With economic liberalisation, the structural basis of conflict in the Global South emanates from the empirical manifestation of globalisation (Khan 2006:134-135). While cheap (but not liberalised) labour is the corollary of liberalised capital, labour is an anathema whenever it appears cheap products from the Global South may jeopardise markets and jobs in the Global North (Tandon 1998/1999:17). Pushed to its logical conclusion, the essence of liberalised capital is the control of the natural resources and endowments of developing countries by western powers and the TNCs that serve as the undertakers of their interests. On the specific African social type, Tandon (1998/1999:19 and 1999:119-120) speaks to two related and interlocking phenomena. The first is the globalisation of Africa from slavery till the contemporary capital-led integration. This has aptly been described as 'a disaster for Africa, both in human terms and in terms of damage to Africa's natural environment'. The second is that it is precisely where Africa has a comparative advantage – that is, the continent's natural endowment of 'agricultural and bio-genetical resources' – that western powers have laboured the most assiduously and treacherously to subdue the continent with a view to appropriating these resources.

A major contradiction in the relations between rich and poor nations is the gap between the theory and practice of free trade. According to the theory, specifically in relation to Africa, increased trade is vital to increased growth. While international trade is expected to strengthen human

development, it has, on the contrary, weakened it through unjust, unequal, and iniquitous trade. This negates the optimism by the UNDP that international trade has been one of the most powerful motors driving globalisation in favour of Africa. Nowhere are the benefits of global integration denied the continent as in the international agricultural sector through the activities of western powers in the WTO (Jawara and Kwa 2004). Two examples will suffice. One, rather than cutting subsidies to agriculture and their farmers in line with repeated promises and pledges, rich nations have constantly increased them. They spend a little less than $1 billion daily to subsidise their own farmers in comparison to a little over the same amount annually given as agriculture aid to poor nations. The trivialisation of agricultural subsidy to American and EU farmers has penalised African farmers. Two, the US' African Growth and Opportunity Act (AGOA or the Trade and Development Act of 2000) that was, in theory, meant to give African states easier access to the US market has not only involved very few African states, oil has also been the most important commodity involved. The reasons for this are directly related to Washington's over-arching geo-strategic interests on the continent (Brzenzinki 2004:131-135). This phenomenon has prompted Hesse (2005:334) to critique the Clinton government that its declared interest to increase trade with Africa was not matched by a commitment to devote significant resources to development. Melber (2007:8) also argues that both AGOA and the EU's Economic Partnership for Africa (EPA) with the continent 'seem to reflect less the genuine desire for fairer trade than securing access to relevant markets not least in the own interest of the USA and the EU'.

Yet, the same western powers routinely seek to stand on a high moral ground in their analysis of China's Africa foreign policy in general and oil policy in particular. Oil prospecting by Chinese national oil corporations (NOCs) is often pilloried as 'mercantilist' in western rhetoric. Regarding the latter as a 'zero-sum competition for oil among the world's major powers, Downs (2007:52-53) contends that the rhetoric 'mischaracterises the Chinese NOCs' global search for oil and their impact on the world oil market, exaggerates the difference between Chinese and American oil policies and runs the risk of heightening Sino-American tensions over oil'. Again, while conceding that Chinese oil foreign policy (which, as we show below, separates business from politics) is 'amoral' and 'shortsighted', Downs (ibid.) argues that western countries do not behave any better: 'China is not alone in subjugating its foreign policy to its oil interests. The US has fought for oil (Iraq), rolled out the red carpet for visiting heads of state from oil-producing countries with poor human rights records (Equatorial-Guinea) and widespread corruption (Kazakhstan) and overthrown governments to further US oil interests'.

Another structural crisis is the continued premium placed on cash crops, since the colonial era, to the detriment of food crops. The result is food insecurity in several African countries and the politics of food importation and, on occasion, food 'humanitarianism'. The same phenomenon also comes to bold relief whenever political struggles over nationalist, identity and citizenship issues boil over and engender political violence or instability, civil strife, and civil war (Ukeje 2007). If not rapidly nipped in the bud, the ensuing militarisation of society may invariably end up in increased militarism, such that rather than invest in food security, political authorities would be forced to invest in arms and bullets paradoxically with a view to ensuring regime survival and political stability.

How does the nation-state fit into this complexity? First, how conceptualise the nation-state? There are two opposing views on the nature of the contemporary nation-state. The first view posits that, virtually everywhere (but particularly in the Global South), the state is in decline. It is claimed that this is so not only because of a demonstrable loss of control by the nation-state over its own macro-economic policies, but also because social policy is driven more by external than domestic interests. The second view contends that the thesis of the gradual withering away of the nation-state and its corollary – the gradual movement towards the constitution of a 'global state' – is nothing but a myth. As Saul (2006:26) has argued, 'real states are still there to do a lot of the heavy lifting on behalf of capital'. But then there are important differences across nations and continents according to levels of state capacity to confront and tame transnational capital for nationalistic and development purposes. Thus, whereas the state in highly industrialised countries plays the role of enhancing their global competitiveness through the agency of, *inter alia*, TNCs, the state in much of the rest of the world lacks the ability to serve as 'an active agent of national economic advance' (Saul 2006:27-28). Kahn (2006:140) has shown that for the South Asian states of Bangladesh, India and Pakistan, intense and intensive market intrusion into their economies has aggregated to diminish 'the potential of these states to function as an even distributor of power and wealth, to deliver social security to marginalised people … to be efficient in the management of capital and to be an effective entrepreneur'.

To understand the character of globalisation in Africa, we need to interrogate the nature and role of the neo-colonial/neo-adjustment state in the development matrix. The state is the most viable mechanism capable of working in tandem with key social forces and organisations for people-centred development. Due to its serious weakening by transnational capital and the

character of domestic power, however, the state's central catalytic role in development has seriously diminished. Clearly, one of the disputed virtues preached by the World Bank and the IMF – good governance is less government – has had the effect of turning the state in much of Africa to no more than 'an investment promotion agency' for western powers and the TNCs. The state is equally no more than 'a mediator between local interests and external capital' and 'the disciplining spokesman of transnational capital'. It has hardly served as the protector of 'the domestic economy from harmful exogenous influences' (Soderbaum and Taylor 2001:676, 687).

Africa is the most victimised region by capitalist globalisation. Due to the lack of an effective control over the exploitation and utilisation of the continent's immense natural and mineral resources, African economies have tended to benefit western powers and TNCs more than Africans themselves (Baregu 2002:19-20). The more the African state is integrated into market economy, the weaker and less autonomous it has become in relation to its historic role as the primary driver and catalyst of people-centred development. Several years of market reforms in Africa have effectively disconnected the state from the people resulting in the latter being treated, except for very isolated pockets, more as an undifferentiated set of consumers rather than as full-fledged citizens with concrete democratic and human rights (Amin 2006:21). The neo-liberal democracy in vogue on the continent, shed of all embellishments, is no more than free market in political garb. The best it offers is some civic, civil, libertarian, and political rights. These rights ought not to be belittled, however, in view of the continent's fairly recent history of state-society relations under one-party and military dictatorships- even though their reach, depth and import are extremely limited. Freedom of speech is rarely accompanied by freedom from poverty, which, *mutatis mutandis*, is the very essence and kernel of popular democracy.

The simultaneous deficit in democracy and development has, in several African states, occasioned a lot of political violence, conflicts and, in some cases, civil wars. Women and children remain the major victims. Foremost gender analyst, Amina Mama (2007:23) is clear on this issue:

> African women have been at the receiving end of globalisation through their direct experience of the development failure that manifests in lives cut short, lives lived out in poverty, lives lived in fear and vulnerability to violence and disease. It is in Africa and upon the bodies and lives of African women in particular that the effects of Western policy dictates have done their worst damage.

The International Community and Resource Conflicts in Africa

Defined by the World Bank as development in reverse, not least because resources directed to conflict are diverted from development, conflicts, particularly intra-state, have been a major defining feature of the post-Cold War international system. Many of these conflicts are a function of identity-based ethnic nationalisms and they have tended to be extensive and highly destructive (Ukeje 2004:39; Makinda and Okumu 2008:83). According to an April 2008 estimate, there are about 26 million internally displaced persons in 52 countries, with the Sudan, Colombia, the Democratic Republic of Congo (DRC), Iraq and Afghanistan being the worst affected. While by 2006 there was a 40 per cent reduction in the number of armed conflicts globally since the 1990s, in 2003 alone, Africa was home to 46 of the 89 (armed) conflicts recorded globally. Similarly, between 1998 and 2006, incidences of conflict in Africa grew from 3 to 33, though there was a period of relative lull in between (Ukeje 2007:356). Armed insurgencies or civil wars in several states have relapsed due, among other reasons, to a one-size-fit- all approach in peacemaking and peacekeeping, and hurriedly organised electoral politics.

African conflicts (or, perhaps more correctly, conflicts in Africa) are often under-girded by the phenomenon of privatisation of violence. This has manifested itself through a myriad of militias and private armies. Realist narrative in international relations has seized upon this phenomenon to proclaim that warfare is a structural problem on the continent. Yet, neither ethnicity nor natural resources trigger wars or violent conflicts on their own; hence the merit in the suggestion by Campbell (2001:3) that conflicts on the African continent make no sense except they are linked, among others, to Cold War investments in armaments.

The Major Powers in General

The ensuing armaments culture – in terms of the ideas and structures of militarism – has created a formidable platform for the post-Cold War second scramble for the continent's natural and mineral resources. The incentive for increased US military presence in the Horn of Africa and the Gulf of Guinea and the accelerated militarisation of the US foreign policy engagement with Africa since 2005 (as seen through the African High Command (AFRICOM); military aid programmes and enhanced arms sales to African countries; Ethiopian military invasion of Somalia as a proxy of Washington; financial aid to warlords, arguably the most spectacular being the late Angolan warlord, Jonas Savimbi, etc.) is African oil/energy resources. In much the same way that Iraq's massive oil reserves (the 3rd largest in the world) have, since 2007, become the object of large-scale exploitation by Western oil companies, in which the big three (BP, Shell and Exxon) are competing

allies, US oil giants (Conoco, Chevron, Amoco, Phillips, etc.) have concessions in almost two-thirds of Somali oil. Most of these concessions were procured during the dying years of President Siad Barre, the late Somali dictator. By the same token, an aggregate of domestic factors (the twin pulls of clan and religion) and external (Somalia's delicate but strategic geopolitical importance to the US, prompting Washington to embrace warlords because she loathes Islamists and Jihadists) has combined to render Somalia as arguably 'the most dangerous place in the world' (Gettleman 2009).

The armament culture has thrown up a lot of interests, actors and values. These include a culture of violence that is a direct consequence of the drive by the major powers for global hegemony; armaments manufacture and manufacturers; and ideology of national security and glorification of warfare. Others are the international arms trade (arguably the West's most lucrative industry since the late 1980s); military aid; genocide; politics of militarism; accentuated and facile manipulation of ethnicity in Africa by the great powers and their global media outlets. We have also witnessed political assassinations of Africa's most patriotic and nationalistic leaders; and the training of future African dictators in Western military academies (Campbell 2000:13). A one-to-one correlation has been made between countries such as Ethiopia, Liberia, Somalia, the Sudan and the DRC 'with the highest number of military officers trained and countries with the worst record of the politics of retrogression' (ibid). This point is important because, as we show below, political rebellion occasioned by genuine citizenship and identity aspirations is a major cause of conflicts on the African continent. The comparative experience of Afghanistan is very instructive in this respect (Millen 2005).

The context of capitalist globalisation is one that some analysts have referred to as a new scramble for Africa's resources and a probable drive towards the continent's re-colonisation (Isike, Okeke-Uzodike and Gilbert 2008:34). The aggressive pursuit of national geo-strategic, economic and political interests by western powers at all costs and by all means is such that important moral and political values they claim drive their foreign policies (for instance democracy and human rights) are ignored whenever it appears they may be counter-productive. The flip side of the valorisation of western interests in Africa is humanitarian crisis and the ensuing humanitarian intervention by the West. Campbell (2000:18) has argued that, even at this level, such interventions are often no more that 'pretexts for countries to act in their own self-interest and for their own geo-political reasons'.

The triumph of foreign capital has been the main story of the relations between resource-rich African states and the resource-hungry triad (US, EU and Japan) as well as China. Several other emerging powers – such as Russia, Brazil, Mexico, Malaysia, Indonesia, and Venezuela, to name only a few – are

also rearing to join the fray. The hegemony of foreign capital on the national economies and strategic mineral and natural resources of African states has led to a stranglehold on all key sectors. These range from forests, fisheries and oil through the productive sectors, including manufacturing, mining to related sectors such as banking, insurance, shipping, export-import and foreign exchange transactions. Similarly, the Foreign Direct Investments (FDIs) the continent still manages to attract are essentially used for the cheap extraction of Africa's immense raw materials and commodities. By ensuring that the bulk of received FDIs are used for this purpose, oil-mongering US and, to a lesser extent, European powers, are able to save billions of dollars annually (Tandon 1999:127, 131-132). Manji and Mark (2007:17) have summarised the contemporary African predicament as follows: 'rather than develop, Africa is hemorrhaging while the rest of the world accumulates wealth at its expense through the unbalanced exploitation of its natural resources and the enforcement of a distorted international economic system'.

The United States in Africa

The inexorable drive by western powers to valorise their national interests has taken many forms. The example of the US is very instructive and emblematic. While its foreign policy towards Africa has, historically, had very little to do with the continent's autochthonous development and human security (Schraeder 1994), the events surrounding the terrorist attacks of 9/11 2001 have further diminished the prospects of genuine partnership between Washington and Africa. AFRICOM, the latest in the avalanche of so-called security partnerships by the US with Africa (preceded by, *inter alia*, the Trans-Sahara Counter-Terrorism Initiative (TSCTI) and the African Contingency Operations Training and Assistance, ACOTA), already on stream but expected to have been fully operational by the end of 2008, was conceived, like its forerunners, behind the back of African governments and peoples. Yet – like the World Bank and the IMF are wont to do – Washington expects Africans to claim its ownership simply because it is good for the US (Whelan 2007). Africans (but perhaps not their governments) seemed to have learned from very bitter experience that whatever is good for the US and the former European colonial powers is, almost by definition, bad for Africa.

AFRICOM has officially been presented as a tool to foster Africa's development and security, 'strengthen US security cooperation with Africa' and 'create new opportunities to bolster the capacity of African states to deal with threats to their stability and security'. However, the lack of emphasis on the use of 'soft power' for the creation of a people-friendly development, security and governance environment and the creation of a 'more balanced and equal partnership with Africa' raises fundamental questions about the

true intentions of the military command structure. By the same token, since the security interests of the US and Africa are informed by different value and reference frames, only genuine partnerships intended to valorise social democracy and build capacity for good governance can begin to effect a rapprochement between these frames.

In the absence of the foregoing, AFRICOM cannot but be a tool for the protection and enhancement of the security interests of the US and the realisation of her geo-strategic goals on the continent. AFRICOM was partly occasioned by the neo-conservative wing of the Grand Old Party (GOP, the Republican Party), which is in favour of US' unilateralism in global politics. Kaplan (in Heine 2007:532), an 'eminence grease' of this wing, has written infamously that '9/11 was not the result of an excessive, but of an insufficient, involvement of the US in world affairs and the way forward was to strengthen even further the US military apparatus'. Washington's major geo-strategic interests on the continent are woven around the hardly disguised need to either substantially control or (in the worst-case scenario) have an unimpeded access to the continent's resources. Coveted is crude oil (with indubitable interest in the continent's so-called oil triangle in the Gulf of Guinea, from where, in conjunction with North Africa, the US imports 18 per cent of its energy requirements compared to 17 per cent from the Persian Gulf). It has been argued, for example, that the choice of Ghana for the maiden visit of sub-Saharan Africa by President Barrack Obama in July 2009 was dictated not by any genuine commitment to 'good governance' and democracy (two major themes Obama adumbrated during his famous Accra speech) but by the need to rapidly lay claim to Ghana's emerging oil fields (Ross 2009:9). Similarly, vital mineral resources that are much sought after include Niger's rich uranium, the world's 3rd largest (where it has been involved in a running battle notably with France and China), cobalt, diamonds, coltan, gold, manganese, etc. (Isike, Okeke-Uzodike and Gilbert 2008:21-24; Underwood 2008).

Washington's high-intensity militarist intrusion on the continent is complemented by the relatively low-intensity intervention of other powers, including China. This has led to well known negative consequences. Post-9/11 2001 global politics has largely been one of deepening securitisation via US unilateralism and sheer force and the grave undermining of human rights and social democracy on a global scale. Washington has, wittingly or otherwise, created a global discourse of war that reinforces the armament industry and culture evoked above. The government of George Bush Jr. chose a 'relentlessly militaristic path', the result being that the US currently spends almost as much money on warfare as the rest of the world combined (Sachs 2008). It remains to be seen how the popular (not to say populist) President Barrack Obama and his government will deal with this festering issue.

Beijing Beckons

Given the dual nature of the Chinese enigma on the continent (China is si-
multaneously first and third world; she is at once a great power and a devel-
oping country; she needs Africa perhaps as much as Africa needs her, thus
the seeming diplomacy of reciprocity in the UN system, etc.), there is some-
thing *sui generis* about Beijing's increasingly close relations with Africa at
the turn of the new century. Much of the literature on the current phase of
Sino-African relations – described by Wenping (2006) as one of 'economic-
driven pragmatism' in contradistinction to the 'politically-driven idealism' of
the past – is caught between three dominant perspectives: China is either an
economic competitor, a development partner or a new hegemon (Alden 2007;
Naidu 2007; Marysse and Geenen 2009; Vine 2007; Rotberg 2008; Southall
and Melber 2009). Africanists who see China as the West's major economic
competitor in Africa read medium and long-term plans into China's Africa
foreign policy. The former is the desire to access the continent's fossil en-
ergy resources and other minerals and metals (notably uranium, bauxite,
aluminium, manganese, and iron ore); while the latter aims at turning Beijing
into a major player in the global oil market (Melber 2007:8; Taylor 2007:10).
Wenping (2007:26) has argued that 'China's Africa policies are driven by its
long-term strategic interests and the rise of China's international status'. It is
instructive that within the space of a decade – 1995 and 2005 – Chinese oil
consumption doubled to 6.8 million barrels per day, reinforcing its position
as the second biggest oil consumer after the US, and ahead of Japan (Taylor
2007:14). In 2008, Angolan oil represented about 18 per cent of Beijing's
total oil imports (Vines 2008). More importantly, the expansion of leading
Chinese national oil companies (such as the China National Petroleum Cor-
poration, CNPC, and the China Petro-Chemical Corporation, SINOPEC) into
Africa and other parts of the globe has been greatly enhanced by the liberali-
sation and decentralisation of the country's energy sector in the past two
decades. The net effect of this phenomenon has been 'a shift of power and
resources away from the central government toward the state-owned en-
ergy companies and a substantial reduction in the ability of the government
to monitor these firms' (Downs 2007:53).

The second perspective – China as Africa's development partner – speaks
in essence to the meaning that each of the interlocutors attaches to their
interactions. Having been thoroughly subjugated and humiliated by western
capital through the World Bank and the IMF, among others, many Africa
governments have tended to see Chinese capital as more benign and less
intrusive of the sovereignty of African countries. This stance seems to suit
China very well, which explains why its investment and trade signatures

litter the continent's financial landscape (Vines 2007:213-219). Small wonder, China is not only the continent's leading lender and infrastructure investor (with its investment in the oil industry and other sectors in, for instance, the Sudan, estimated at \$4 billion in 2007); it is also its second trading partner (Raine 2009; Taylor 2007:18). But the jury is out on whether China would behave differently from western powers in securing and entrenching her interests in Africa at the expense of African governments and people. It also remains to be seen whether or not the symbiosis between a China hungry and on rampage for Africa's energy, raw materials and primary commodities, and an Africa in need of agricultural and light manufactures would yield people-friendly developmental dividends. Nor is it likely that Chinese aid, trade and investment drive, as they logically are by the developmental needs of the Chinese economy, would be more an opportunity than a threat to many African states (Rotberg 2008). If anything, Chinese capital – no less than its Western counterpart – possesses the capacity to marginalise nascent African capital.

Similarly, the centrality of the struggle for oil and minerals by China (and other powers) has accentuated the militarisation of African politics and society and exacerbated the banalisation of light weapons and small arms in several African countries. Niquet (2007:3) has made the point that 'for essentially commercial reasons, China is the principal supplier of light weapons to the armed groups that are currently tearing the African continent apart, as well as to African governments'. Reputed to be extremely lethal – on average, no fewer than half a million people are felled by them annually – small arms continue to proliferate and circulate. It has been estimated that, in 2005, there were about 640 million small arms and light weapons in circulation, notwithstanding some important international initiatives to halt the trend. Two of these are the 1998 Moratorium on the Import, Export and Manufacture of Small Arms and Light Weapons in West Africa, driven by the ECOWAS, and the 2002 Wassenaar Arrangement Best Practice Guidelines for Exports of Small Arms and Light Weapons, which was endorsed by a majority of global arms manufacturers and exporters (UNDP 2005:173).

It is on the third and final perspective on China as the new hegemon in Africa that western powers' irritation about China's presence on the continent seemingly reaches its apogee. Western uneasiness of China's Africa foreign and oil policy is not so much about the 'whys' and 'wherefores' of China in Africa as about 'how' China conducts business on the continent. Undoubtedly, China's inroad into African resources has been eased by what has been called the 'Beijing Consensus' or the 'Chinese model' of political governance. By this is meant China's policy of non-interference in the domestic affairs of its

trading partners. It has been claimed that this policy is anchored on the following: a 'business is business, politics is politics approach'; respect for the sovereignty of other states; rapid development of China resulting in its economic prowess without western-style liberal democracy; and Beijing as a new source of capital and investment for the continent (Alden 2008:122; Aning and Lecoutre 2008:47; Li 2008; Manji and Marks 2007; James 2009).

Yet, China's 'soft power' diplomacy and offensive on the continent; its rhetoric of 'historical friendship, equality and common development' with Africa; as well as its so-called 'special relationship', 'shared history', 'no political strings attached and non-interference' aid policy, 'respect for dignity and sovereignty', 'the poor help the poor', and 'win-win' cooperation policy (Naidu 2007:41; Taylor 2007:14; Wenping, n.d, 2006, 2007; Marysse and Geenen, 2009) mask a foreign policy drive that is no less hard-nosed than the foreign policy orientations of China's major global competitors.

Further, China seeks natural resources not only from Africa but also from Central Asia, South America and other parts of the world. By the same token, Beijing's engagement with Africa is driven not only by the quest for natural resources; but also by the Chinese search for influence and African support in global and multilateral institutions. Perhaps on account of the massive diplomatic support, China has historically received from the African bloc in the UN (for example, the restoration of the People's Republic of China to its UN seat in 1971), China tends to believe that the continent is likely to play a more influential role in global politics (Taylor 2007:15). Wenping (2007:31) is probably right to say that 'China will need Africa's political and moral support to become a great power'.

While Chinese labour and capital generally exist side by side with western capital in several African countries (with the possible exception of the Sudan (where Middle East and Asian capital are equally prominent), there are instances where Chinese capital and labour are found in those places in Africa where its competitors are absent. Downs (2007:54) elaborates: 'China's NOCs are actually expanding, rather than contracting, the amount of oil available to other consumers by pumping oil abroad, especially at oil fields in which other companies are unable or unwilling to invest'. Chinese investments in prestige projects such as stadiums and public buildings and the use of Chinese labour in infrastructure projects are becoming simultaneously significant and controversial (Alden 2008:120, 122).

While it certainly is difficult, especially within the context of western global hegemony, to characterise Sino-African relations, China's current status as Africa's second largest trading partner (running a very close second behind the US) has largely been attained through an admixture of pragmatism and

necessity plus ideology spurred by the profit motif. From 2007 to 2008, Sino-African trade increased by 45 per cent to total about $107 billion in 2008 (Hishaw, 2009; Mosinyi, 2009). The interplay of ideology and profit (as well as gradual ascendancy of the latter over the former) in the post-Cold War era comes into bold relief in military agreements, military exchange programmes, arms transfers, the sale of light weapons to governments and rebel movements alike – as in the Sudan and Chad, among others (Alden 2008:120; Aning and Lecoutre 2008:44). Not unlike its western competitors, China has progressively developed an aggressive policy of expanding interests and markets in the key area of energy. With no significant toehold in the Middle East, Beijing's only realistic hope of satisfying the demands and tastes of an emergent Chinese middle class and supplementing her scarce domestic natural resources is importation from Africa. Beijing accounts, respectively, for 60 per cent and 25 per cent of Sudan and Angola's oil exports. Other items of Chinese imports include minerals, precious stones, timber, cotton, and fish products. Beijing's exports to Africa consist of consumer goods/staple commodities machine tools and textiles (Aning and Lecoutre 2008:41, 46).

Cheap and poor quality Chinese textiles that appeal to Africa's poor have contributed to the continent's de-industrialisation through unfair, unequal and lopsided competition. Clearly, the nexus between 'raw materials, trade, infrastructure and non-interference' (Aning and Lecoutre 2008:45) has so far functioned to protect and enhance the geo-strategic and economic interests of Beijing at the expense of its African interlocutors. Unfair trade relations, however they are perpetrated globally (whether in the name of South-South Solidarity or by a western hegemon), have the same effect of compounding human security on the African continent. Nowhere has this phenomenon come into sharper focus in recent times than in the so-called $9 billion 'Marshall Plan' deal between the DRC and China in May 2008, about a third of which is expected to be spent on revitalising the strategic mining sector and Gecamines, the state-owned copper and cobalt mining giant. In a joint venture to be created between Gecamines and a consortium of Chinese companies, including Sinohydro and the China Railway Group, the latter will control a commanding 68 per cent stake compared to a paltry 32 per cent by the Gecamines. In addition, the contract stipulates that China would receive more than 10 million tons of copper and 620,000 tons of cobalt in exchange for the (re) construction of roads, railways, schools and clinics. It is this evident lopsidedness that has prompted the main opposition party in the Congolese Parliament to describe the deal as 'unbalanced and incoherent' because, in its eyes, the DRC has been forced 'to sell off its national heritage to the detriment of several generations' (Walters 2008:6).

France's Neo-Colonialism *per excellence*

Beginning from the inauguration of France's fifth Republic in October 1958 with Presidents that are constitutionally empowered (and further enabled, over the years, by constitutional practice) to be the master of their own foreign policy, Paris has traversed Francophone Africa's political landscape like a colossus. Fifty years on, President Francois Mitterrand's (1981-1995) statement that 'without Africa, France would have no history in the 21ˢᵗ Century' has become a self-fulfilling prophecy. While her influence in global political and economic affairs has waned in the post-Cold War era (partly because it can no longer play her favourite *Tier-Mondiste* (Third Worldist) card of serving as the buffer between the East and the West; partly because of the ascendancy of the EU, with the (united) Federal Republic of Germany as EU's leading hegemon and partly because of Washington's forays into what used to be France's exclusive sphere of influence in Francophone Africa), France's preeminence in Francophone (West) Africa remains mind-boggling.

Through a combination of formal structures and institutions, the stranglehold on the latter region and the crude and cruel exploitation of its substantial strategic resources has continued unabated under the guise of sundry bilateral and multilateral agreements. The structures include the following: the political Franco-African Summit (which, since the 1980s, has become an all-comers' club and is no longer restricted to French-speaking Africa); the cultural *La Francophonie* (where the plausible counterweight of Canada is nothing but irritating to Paris); the financial Franc zone that has been deftly nearly integrated into the Euro zone); and the subsisting mutual defence agreements and military bases (the former having, rather curiously, a clear position on the raw materials of its African signatories!). Equally significant are informal structures engendered by intimate personal relations between sitting French presidents and senior French politicians, on the one hand, and French-speaking Africa's veteran presidents and seasoned dictators (the late Omar Bongo of Gabon, (in power for 40 years between 1969 and 2009) and Paul Biya of Cameroon being archetypal), on the other.

Campbell (2000:24) refers to West (and Central) African markets as 'captive markets' of France. But Paris has thrived and prospered as a result of the continued exploitation and pillage of not only her former colonies, but also of other African countries that have been drawn into France's vortex of *liberté, egalité and fraternité*. Thus, to cite only this case, some former ministers and prominent members of the French society have been on trial since the end of 2008 for their alleged involvement in arms trafficking to Angola in the 1990s. Prominent among them are former Interior Minister, Charles Pasqua and Jean-Christophe Mitterand, son of former President Mitterand. Like the US, France's trade with Africa has resulted in societal poverty and state

anarchy that are directly proportional to the degree of exploitation. In addition, unequal economic relations imposed by market reforms have reinforced the ideas and structures of exploitation that birthed militarism (Campbell 2000:30). Pushed to its logical conclusion, the product of structural violence or militarism and exploitative economic relationships is the privatisation of violence: 'the ideas of the free market provide conditions for the liberalised trade in weapons outside of the control of governments. This liberalisation process has supported military entrepreneurs across Africa' (Campbell 2000:33). While the experience of Africa with other powers has not been any different, the practical import of Franco-African relations has been particularly devastating for many African states, societies and communities because of the umbilical cord that binds commerce and militarism.

Paris has sought to deflect growing criticism away from the acutely aggressive and inhuman pursuit of her national interests in Africa by claiming that the post-Cold War era is more of a *Euro-afrique* than a *Franc-afrique*. That is to say that there is more of EU-Africa multi-lateralism than a perceptible French hegemony in her relations with the continent. France's foreign policy elite claims that *Franc-afrique* represents the gradual abandonment of mercantilist or *gunboat* diplomacy by Paris in favour of a more benign, development-friendly Africa policy. What is important, however, is not so much the discourse of foreign policy as its practice. Clearly, with the US and China breathing down her neck in West Africa, the last thing on the mind of *Palais d'Elysee* is to diminish its presence and visibility in Africa.

Indeed, real *politik* remains the name of the game. Pilloried and heavily criticised by French media and civil society as well as his own Human Rights Minister, Rama Yade, for allowing Libya's Muamar Ghaddafi to use his state visit to France in December 2007 'as a door mat on which he could wipe his shoes of the blood of his crimes', President Nicolas Sarkozy's cynical response was • 10 billion! This is the gargantuan sum that is expected to accrue to Paris from the various contracts signed with Tripoli (Berlin 2008). Sarkozy has been true to type. He has simply continued what has become the pattern of France's relations with its ex-colonies (as well as other African countries), namely, the abnegation of the long-term development and security interests of Africa in favour of the economic interests and geo-strategic visions of France's ruling elite.

France's massive presence in Africa is meant to achieve salient foreign policy interests and goals. These include the following: Paris as the leading investor and trading partner of its satellite states; easy access to, and control of, the continent's uranium, through the exploitation of Niger's uranium by Areva, a French company, in order to run its commercial nuclear plants and military nuclear weapons relatively cheaply. Others are a privileged access to

the continent's established and emergent oilfields (which explains why France has always supported whichever government is in power in all of the continent's oil-rich nations without exception) and the acquisition of high-level competitiveness in the very lucrative business of arms sales by serving as the major supplier to her ex-colonies and other African states (Mesfin 2008:16-17). In the light of the foregoing, Mesfin (2008:18) concludes: 'France totally lacks concern for the fate and aspirations of Africans, and it acts only in view of its …lasting and deep-rooted political, strategic and economic interests, the permanence and exigencies of which, more than sheer force of circumstances, account for the continuity in France's policy towards Africa'.

In sum, there is a fundamental sense in which, as Azevedo (1998) has copiously shown in his excellent study of Chad Republic, conflicts and violence have become routinised on African soil through the proliferation of instruments of violence, especially small arms. To be sure, neither small arms nor natural resources export creates violent conflicts on their own. It is the existence of markets for these commodities – as well as their excessive politicisation by a plethora of ingenious and disingenious political, military and para-military actors within and without the continent – that has sustained and exacerbated conflicts. There is empirical evidence across Africa that the exports of gems and timber have resulted in financing conflicts and weakening state capacity. Mazrui's (2004:8) lamentation that 'a continent of little more than $1/10^{th}$ of the world's population is rapidly becoming a region of half of the displaced people of the world' speaks to the extent of the undue internationalisation of the continent's strategic resources and the degree to which those resources have become more of a burden than a blessing. It has been argued that the source of state decay and societal anarchy in Somali has been the immense difficulty in disarming Somali warring military entrepreneurs, warlords and militias due to the massive privatisation of violence and democratisation of arms and ammunitions in the Somali society (Woodward 1998:148; Kennedy 2009; Amuwo 1992).

How to Explain Conflicts in Africa

The causal process of conflict is, everywhere, extremely complex. The process is often unmastered by governments in countries and societies that are too open to external control and intervention and are, therefore, more susceptible to the dictates of the international community than to the legitimate aspirations of national populations. Thus, while African conflicts have both external and internal causation, the former dimension has always loomed larger, with its array of interests and actors.

Two points merit emphasis here. The first is to dismiss purportedly scientific explanations of war, conflicts and crisis in Africa that demonise and criminalise Africa and Africans more than they explain. A typical 'explanation' by a section of Africanist scholarship, steeped in what Aning, Birikorang and Hutchful (2003:1) refer to as 'pseudo-academic Afro-pessimism' is that civil wars on the continent are not so much part of the withering away of the neo-colonial African state project as a function of so-called 'habit of conflict' inherent in Africa and Africans. Several variants of this type of argument litter the literature of this 'school of thought', not least the perception that African conflicts are 'uncivil wars', that are 'intrinsically unjustified and dysfunctional, a horrid irrationality' (Aning, Birikong and Hutchful 2003:7).

The second is not unrelated, namely, that to the extent that there is too much external interference in African affairs and on account of the endemic weakness of the neo-colonial state, the 'resource-curse' approach to African conflicts is grossly inadequate on at least three counts. For one, it is excessively deterministic. For another, it overlooks the political economy of scarcity. Finally, too much attention is paid to local/national actors to the detriment, for political, ideological and geo-strategic reasons, of transnational actors. In other words, while the state/political elites, militia groups/warlords/criminal gangs/money-lords, domestic civil society organisations (CSOs), and the inefficient state bureaucracy are put on the spot, the activities of critical external actors such as private security organisations, mercenaries, international traders and companies, arms suppliers, transnational corporations, international financial institutions (IFIs), international CSOs, and the great powers are often de-emphasised (Obi 2008:8; Alao 2007; Akinyemi 2009:220-221). Freed from high-wire internal and external politics, neither oil nor solid minerals cause conflicts any more than ethnicity or ethnic favoritism causes wars (Alao and Olonisakin 2000:27-28). We return to this theme below. As Obi (2008:9) has argued, it is the undue politicisation of minerals and oil through their transformation by 'market, social and power relations' that spawns conflicts. Alao (2007:278) echoes this point when he says that 'the prevalence of violent conflicts over natural resources in Africa is due largely to the management of these resources'.

External Causation

The role of the international private sector in intra-state conflicts has grown considerably over the years. Mburu (1999:104) has shown, for instance, that the latent causes of violence and conflict in the Horn of Africa are an interplay among national and international social, economic and political fac-

tors. There are, for instance, links between conflicts, resource companies and private security. Similarly, an umbilical cord of sorts wedges military entrepreneurship with latter-day imperialism of both established and emergent powers. Warlords and imperialism have tended to work amicably together. This is because imperialism thrives better in societies and states cut asunder by high-intensity political instability/disorder, conflict and violence. Hubert (2000) underlines the importance of international trading networks used by shadowy and militia groups to launder fabulous resources and huge amounts of foreign exchange. Baregu (2002:20, 22-28) also speaks to the significance, in the Great Lakes in general and in the resource-rich DRC in particular, of multiple actors driven by a complexity of interests. As already alluded to above, while internal parties and actors abound both in the background and in the foreground; largely invisible but powerful external actors also come into bold relief.

In a fundamental sense, conflicts and civil wars in Africa have generally been a function of the interests of a combination of transnational capital/ class, state and global hegemonic states and social forces in search of lucrative but cheap commodity and resources on the African continent. The intense competition among these powers for the control of Africa's natural and mineral resource base has often occasioned structural/latent conflict. When unequal domestic access to power and resources degenerates, this evolves into manifest or actual conflict. In Liberia, during the 20th Century, the Americo-Liberian elite did little to discourage the crude exploitation of the country's natural resources by foreign capital (Outram 1997:358). Similarly, 'blood diamonds', among other strategic minerals, have been implicated as a most coveted commodity in many conflicts across the continent.

The Angolan diamond trade (the country has the 4th largest diamond reserves in the world) has, for instance, increasingly become a free-for-all enterprise, anchored on what has been described as 'militarised commercialism'. This is a symbiosis between security and mining, undergirded by market forces (Dietrich 2000:186, 176-177; UNDP 2005:166-167). The veteran Ugandan scholar, Professor Nabudere (2004), famously described the DRC civil war as 'Africa's First World War'. On the same war, Baregu (2002:33) contends that it was all 'about high international politics as opposed to low domestic politics (democratisation, human rights, ethnicity, etc.)'. He adds: 'it (was), first and foremost, an imperialist war and like all imperialist wars in modern history, it (was) a war about the distribution of wealth and power'. Noting that the US was the biggest winner in the DRC debacle insofar as its armament industry was a foremost supplier to all the countries and warring factions/militias involved, Baregu insists that 'behind the pro-democracy, pro-growth rhetoric, the less publicised role of the US in Africa

has been the steady supply of arms, ammunitions and military training – all stoking the fires of armed conflicts in the continent'. In the process, the security of people, states and societies are constantly undermined and endangered (Ukeje 2007:357).

Internal Causation

Evidently, conflicts are also caused and driven by internally induced factors. On this score, Soederberg (2001:861) has argued that:

> Policy-makers in the 3rd World cannot be dismissed as mere spectators, rather they must be seen as players in the game itself, the play being attempts at making peripheral staging posts more attractive investment sites in the face of decreasing levels of political legitimacy of periphery governments and increasing forms of socio-economic inequalities.

This brings us to the theoretical postulations of greed and grievance in the explanation of African conflicts and civil wars. As earlier remarked, in much of Africanist scholarship ethnicity has virtually become a one-size-fit-all explicatory schema in the study of African politics. It is seized upon to explain a wide range of issues – from religious crisis through democracy deficit to the absence of people-centred development. Ethnicity is regarded as the proverbial bane of the continent's politics, democracy and development. Exorcise ethnicity one way or the other from African societies and politics, and Africa will be a little paradise on earth! Yet, ethnicity, not unlike corruption, is not the specialty of any race or people; it is, rather, a common affliction of all humanity. The problem is that what western scholars journalists and analysts often perceive as ethnic conflicts are, in reality, class wars. Thandika Mkandawire (in Agbu 2006:7) has suggested that we cannot fully understand the emergence of rebel groups except we adequately come to terms with elite politics, intra-elite conflicts and the responses of the society *writ large*. This suggests that what often is at stake is not ethnicity *per se* but politicised, constructed and reconstructed ethnicity. This phenomenon has been cynically and cruelly promoted by western powers in Africa since the colonial days, only to be reinforced by the indigenous inheritance elite. Warlords and military entrepreneurs have also used politicised ethnicity as a strategy of plunder and pillage on the continent (Baregu 2002:28).

Take the political violence consequent upon the presidential elections in Kenya on December 27, 2007 as an example. Clearly unable to fathom what had suddenly gone wrong with one of Africa's most 'stable neo-liberal democracies', leading western electronic media (such as *CNN*, *BBC*, *Sky News* and *Radio France Internationale)* resorted to the well-worn ethnic cleansing thesis. This is the corollary of the so-called theory of *ancient hatred*

among ethnic nationalities across the continent. According to this line of argument, the post-election violence in Kenya – with special emphasis on Nairobi's slums – was a direct ethnic struggle between the majority Kikuyu ethnic nationality to which incumbent President Kibaki belongs and the minority Luo ethnic nationality from where hails Raila Odinga, the main opposition leader. These analysts appeared not to have been bothered by the fact that, between them, the Kikuyu and the Luo do not account for half of the Kenyan population.

A more thoughtful and more scientific explanation has been proffered by Warah (2008:12), who situates the root of the political violence in economic and political inequalities in the Kenyan society. While conceding that there is a linkage among rigged elections, ethnic chauvinism and class antagonism, Warah argues that the latter is the most potent explicatory schema. She advances four reasons why this is the case. One, not unlike Brazil and South Africa, Kenya is one of the most unequal societies in the world. Two, Nairobi's slums are ethnically segmented and diverse. They not only figure among the 'biggest and most deprived slums in the world', they are also juxtaposed with 'some of the wealthiest homes and neighbourhoods in Africa'. Three, there are no provisions whatsoever in the country's Constitution for distributive politics. To that extent, it is a Herculean task to seek to force the hands of the state to embark on the distribution of the country's resources. And, finally, while there is no doubt that Kenya's political struggles have tended to assume ethnic dimensions; they have equally retained more fundamental and more enduring links with equity and material questions than with ethnicity. On a wider canvass, the so-called 'tribal narrative' is of secondary importance and, to that extent, is of limited import (Campbell 2000:3).

The Internal-External Nexus

Greed speaks to resource-based explanations of conflict situations. According to this theory, economic opportunities are a motivation for conflicts or civil wars. Paul Collier has been one of the major proponents of this approach in recent years. His main argument is that 'the true cause of much civil war is not the loud discourse of grievance but the silent force of greed' (Collier 2000:101). He elaborates: 'although societies as a whole suffer economically from civil war, some small identifiable groups do well out of it. They thus have an interest in the initiation, perpetuation and renewal of conflict. Naturally, these interests tend to remain low-profile. Hence, the discourse of grievance is much louder than that of greed, even if it is less significant'. As summarised by Abdullah (2006:12), 'civil war is about resources; rebels are motivated by greed, not grievance'. Agbu (2006:3) argues that 'most of the wars in Africa

have been fought over or are being fought over the control of mineral wealth, like the civil wars in Liberia, Sierra Leone, Angola and the DRC'. On the specific DRC civil war, Lemarchand (2007:19) concurs by underlining the impact of greed on both intra- and inter-ethnic enmities, a phenomenon reinforced by the intervention of Uganda and Rwanda in favour of their Congolese clients, as well as by five other countries and no fewer than five Congolese factions. It would seem that the prize or trophy at stake – diamonds, gold, cobalt, tantalum, etc. – was worth the trouble (Nabudere 2004; Alao and Olonisakin 2000:31). This analysis should be nuanced, however, in order to capture the complexity at work, from the perspectives of both national and transnational actors, in particular the pattern and subtlety of transnational forces in African conflicts. Thus the utility of the distinction between two different, if related, phenomena: natural resources that cause conflicts, and natural resources that fuel conflicts (Alao and Olonisakin 2000:25). Conflicts and civil wars are more likely to be provoked by present, clear and definite grievances but can be spurred along and prolonged by economic considerations. Conflicts are not likely to be the result of greed *per se*. Hyden (in Agbu 2006:3) makes the point that 'African conflicts are typically over resources … they are usually triggered off by competitive politics associated with the election systems …'

It makes eminent sense to say that, at least for the first set of African conflicts, rebels were, in all probability, driven more by grievance than by greed. This is because they could never have imagined the magnitude of mineral and natural resources available for plunder and primitive accumulation. Subsequent generations of political rebels may not have been so motivated and propelled. There is, however, an external dimension to this equation: greed or economic motivation may be a more suitable ideological label for transnational capital and local power wherever the former goes. As if the permanent exploitation of the strategic mineral and natural resources of African societies is not enough, the alliance between global capital and local power often routinely (as in the Niger Delta region of oil-rich Nigeria), 'unleashes terror on the poor …(and) destroys human beings and the environment' (Okonta and Douglas in Osha 2006:15).

The central thesis of grievance or political ideological explanation of conflicts is that conflicts are a political project and a political struggle. These sometimes feed into the larger and broader political struggles of the African people for genuine liberation and emancipation. Social, political and economic deprivation, income and asset inequality, political repression, lack of political tolerance or exclusionary politics and sundry inequities have been the main causes of political violence (Biswas 2005; Ghannoushi 2008:12; Collier 2000:110). Picciotto (2007:2) claims that 'weak governance explains poverty

as well as conflict: weak states cannot compromise, cannot deliver services, and cannot resolve grievances peacefully'. According to Stedman (in Agbu 2006:6), political grievances often revolve around four major issues: identity, participation, distribution and legitimacy. The struggle for identity and citizenship is a natural phenomenon as these categories define the very humanity of individuals, a people and a community. Since the mid-1980s, African peoples and communities have been experiencing acute crisis of identity and citizenship in welfare provisioning. This crisis has fed into nationality and development deficit (Soderbaum and Taylor 2001:690-1) and the resultant clamour and struggle for the valorisation of what Amos Sawyer (in Pham 2006) refers to as 'shared sovereignty' in contradistinction to 'unitary sovereignty'. A major grievance of many ethnic nationalities (both majority and minority, aside those in power) is the almost total absence of human development and human security. Preoccupation with human development has focused attention, following the French polyglot scholar, Michel Foucault on *bio-politics*. The latter is concerned with the biological well being of a population, particularly disease control and prevention, adequate food and water supply sanitation, shelter and education.

On account of market reforms, internal to virtually all African societies has been the widening gap between pockets of affluence and oceans of deprivation. Politics of inequalities has been deepened by geography or regionalisation and by integrationist policies of ruling elites that seek to vitiate group identities. Inequalities have tended to pitch groups with access to state and societal resources against those seeking access; and conflicts and civil wars have ensued not only over oil and solid minerals, but equally over land and water (Alao 2007). Inevitably, there is a strong linkage between poverty, identity and conflict (Ukeje 2007:357, 359-360; Isike, Okeke-Uzodike and Gilbert 2008:26, 29, 32; Mburu 1999:103; Agbu 2006:23, 35-36; Mukanda and Okumu 2008:80; Abdullah 1998).

Within the foregoing context, conflicts appear as a legitimate enterprise that seeks to overthrow structures, values and practices of internal colonialism. Saul (2006:45) has explained grievance-driven conflicts by linking both the domestic and international dimensions of expansion and exploitation by capital. He argues that some conflicts are political struggles with local flavour, but with the trans-national goal of challenging the global system in a most fundamental way. He cites the demands of the Zapatistas in Mexico and the resistance to Shell Oil by the Ogoni and other ethnic nationalities in Nigeria's Niger Delta as notable examples of struggles 'against the grossest of exploitation and raping of the environment' by 'global firms, imperialist states and their local intermediaries'. An additional example is the marginalisation

of the oil-rich Cabinda enclave in Angola, which accounts for more than half of that country's annual oil output. The result of this political exclusion is the formation of a separatist guerilla movement – the Liberation Front for the Enclave of Cabinda (FLEC). On account of this, Cabindans have had their human and civil rights curtailed and have been subjected to military detentions and other types of inhumane treatment (Tobi and Rossouw 2009:6). According to the *Human Rights Watch* (2009), these abuses were very severe between September 2007 and March 2009. Saul (2006:47) also underlines the salience of 'voices of diversity and of local definition of needs, possible modes of action and cultural integrity' begging for recognition but which are systematically suppressed by local and international sites of power under the grip of transnational capital.

Since both greed and grievance often get enmeshed in the real world of conflict and violence, it makes eminent sense to suggest a balance between the two analytic frameworks. With key external interests at stake, the dynamics of contemporary international political economy of oil and other strategic minerals is that political grievances easily metamorphose into economic-driven warfare. The main beneficiaries are transnational capital and the arms industries of the great powers, as well as the domestic military-commercial complex.

Conclusion

We have attempted to show, both implicitly and explicitly, that the economic and geo-strategic interests of the great powers have either been the root cause of conflicts in Africa or have fuelled and prolonged them. We have also argued that the almost theological devotion of the continent's ruling elites to the values, mores and institutions of capitalist globalisation that have structured the continent's under-development, further weakened and imperiled the neo-colonial state, de-legitimised and criminalised political and other leaderships, and impoverished its dynamic and resourceful population, has equally contributed to conflict and violence over resource control. On balance, however, external causes of conflicts have, by far, outweighed internal ones. In the process, the armament culture has become routinised.

Yet, there is nothing fundamentally burdensome, let alone accursed, about Africa's rich outlay of natural and mineral resources. They are a gift of nature to humanity. What has turned a potential blessing into an actual burden is the illicit covetousness and exploitation of the continent's resources by western and other powers and the trans-national corporations that defend and enhance their interests in unbridled collusion with Africa's ruling elites. And this is often done without any regard whatsoever for the well-being of

ordinary Africans. In the 2005 edition of its *Human Development Report* (HDR), the UNDP (2005:165-166) makes the important point that 'the links between resources and violent conflict are neither automatic nor inevitable'. It adds that while 'the availability of weapons may not cause conflict…it makes conflict more likely, and it increases the likelihood that conflicts will take more violent forms' (p. 172).

Writing two years later, in a review of Nicholas Shanson's highly controversial and polemical book, *Poisoned Wells: The Dirty Politics of African Oil* (2007), which amplifies a creeping tradition that tends to regard African oil as evil and, in consequence, a danger to 'western society, security and civilisation', Cyril Obi (2007:397-399), foremost oil analyst, argues that oil multinationals, not African governments, should be blamed for the 'paradox of plenty' of oil-rich African states. He elaborates: 'the real threat is not from oil, it is from those hegemonic global forces to whom oil means everything-whose supply at all times, must be guaranteed at any cost, if need be, by force. It is the premium that these forces – all outside Africa – place on oil, everywhere it exists in the world, and the competition between them over the remaining of the world's shrinking oil reserves that are the real threat' (ibid 399).

In the debate about the way out of this impasse, it has been suggested that the US, as the 'main beneficiary of a stable and predictable international order', should also 'take a lead in forging international rules and regimes' with a view to resolving conflicts and ensuring global peace and prosperity (Heine 2007:532). There is little to suggest, both in recent and in contemporary foreign policy orientations of the US, that Washington can effectively play this role. The self-styled *gendarme* of the world would, in all probability, be the first to break the rules. A more practical solution cannot but be a political work of the long haul. This will necessarily bring together a coalition of nations, societies, communities and peoples across the globe that are victims of capitalist globalisation and capitalist militarisation through unmitigated internationalisation of their resources. Their vision will be to expose and systematically confront transnational capital/state/class, global hegemonic forces, and their local surrogates – as well as their objective allies globally – that have turned otherwise blissful natural and mineral resources into a heavy yoke for governments and citizens in developing countries.

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Book Review / Revue de livre

How Rich Countries Got Rich and Why Poor Countries Stay Poor

Erik S. Reinert*, How Rich Countries Got Rich and Why Poor Countries Stay Poor,* New York: Public Affairs, 2008. pp. xxix + 365. $17.95.

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The economics of development is an important research area of modern economics, even though it is not seen as one of its most prestigious. The reason for this is that most of the research in that branch of economics is carried out, not in the areas that are deemed to be in need of development, but in the research centres of those countries that are viewed as being developed. It is perhaps for this reason that although large numbers of texts and papers are published yearly on the issue of economic development, such publications have almost no effect on those societies about which the researches were carried out.

It is for this reason that, in recent years, there have been growing criticisms of the standard model of neoclassical development economics. This standard model derives from the basic principles of market economics which states that at equilibrium the output of the various factors of production are valuated at the most efficient prices. This standard model though dynamic tends eventually to the static condition of equilibrium. The result of this engineering approach to economics has been to create a set of models that are, for the most part, greatly at odds with the empirical reality. It is for this reason that researchers have been seeking to establish alternative schools of thought.

In the area of neoclassical microeconomics, there is the growing influence of the behavioural school which focuses more on the actual choices of economic agents than on those of an ideally rational economic agent. In the area of macroeconomics there is concern that the rational expectations model or the efficient market hypothesis have been empirically at odds with the actual behaviour of investor decisions.

It is for the above reasons that the name heterodox economics has been assigned to those newer theories that have sought to explain economic phenomena in terms quite distinct from the standard neoclassical model. An example of such an approach is that afforded by Erik Reinert's *How Rich Countries got Rich and How Poor Countries Stay Poor.* Other researchers in the same vein are Ha-Joon Chang, K.S. Jomo, and increasingly the prominent economist, Joseph Stiglitz. His text *Globalisation and its Discontents* (2002) has been well received internationally.

Reinert's key idea is that there is a serious disjunction between the recommendations that are offered to developing nations by development officials from the industrialized world and the policies adopted by such nations when they themselves were on the path towards development. Reinert rejects the mantra-like idea of Ricardian comparative advantage economics according to which economic efficiency requires that nations ought to specialize in the production of those items for which they enjoy a comparative advantage and import those goods and services which they produce less efficiently. If such an international trade theory were adhered to, then the result would be that 'the theory of comparative advantage actually may lock poor countries into a poverty trap, into primitivisation: specialising in being poor' (Reinert 304).

Reinert's answer to the problem of development is that developing countries should just follow the same recipe that the industrialized nations adopted when they chose to develop their economies. The strategy was to protect infant industries until such time that they were able to compete effectively internationally. This approach is obviously at odds with the free market paradigm endorsed by neo-liberal economic theory. According to Reinert, the way forward was founded on the principle of 'emulation' (the title of chapter 5 is: 'Emulation: How Rich Countries Got Rich') whereby industrialising nations sought to attain manufacturing parity with their neighbours with the judicious usage of tariffs and patent protection. Emulation meant the importation of raw materials and the exportation of manufactured goods because that was exactly how the economically dynamic nations performed.

In this connection, Reinert informs us that 'in the early 1700s a rule of the thumb developed for economic policy in bilateral trade, a rule that rapidly spread throughout Europe. When a country exported raw materials and imported industrial goods, this was considered *bad trade*. When the same country imported raw materials and exported industrial goods, this was considered *good trade*' (Reinert 89).

In the area of international economics, the last two decades have witnessed the popularisation of the idea of 'globalisation' which has been promoted by

ideologically committed neo-liberal economists. The concept itself is self-explanatory in that it means the 'very rapid integration of economic integration of rich and poor countries both as regards trade and investments' (Reinert 101). Reinert spends two chapters, 'Globalisation: The Arguments in Favour are also the Arguments Against,' and 'Globalisation and Primitivisation: How the Poor Get even Poorer' on the topic to make the contrarian argument that although there may be benefits to globalisation, *ceteris paribus,* there are also arguments against its implementation. There are the palpable benefits of increasing returns to scale, technological change and innovation, but the problem, according to Reinert, is that the framework of static neoclassical analysis is inadequate to capture the fact that when hugely disparate economies – in terms of technological levels, productivity, etc. – are cast into one economic landscape the results are highly skewed.

In fact, the results are such that the Ricardian trade principle of comparative advantage extracts its opportunity cost benefits to such an extent that the poorer countries end up exporting the little amount of human capital and skilled labour that they produce to the more technologically advanced nations. The reason is that they are cheaper to produce in the poorer countries, thus more easily exportable (Reinert 2007: Chapter 4, 'Globalisation: The Arguments in Favour are also the Arguments Against'). The antidote to this is to effect the protectionist trade principles advocated by German economist Friedrich List (1789-1846) whose theories were used to guide modern Germany from underdevelopment to development before embarking on freer trade.

Reinert's central lesson in all this – as further expounded in the chapter 'Globalisation and Primitivisation: How the Poor Get Even Poorer' – is that globalisation just cannot work in a situation where some nations enjoy huge advantages in terms of their respective productive prowess, as a result of more advanced technologies, more developed layers of human capital, etc.

Thus, there is something problematic about the U.S. sponsored neo-liberal gesture such as the Africa Growth and Opportunity Act (AGOA) as in the case of Africa whereby 'Africans may export the products of their unqualified labour force to the US only if all the inputs are brought in from the USA. The Africans have to compete with the Haitians, be even poorer to attract production. The competitiveness of a country, is according to OECD definition, to raise 'real' wages while still remaining competitive on the world markets. In most of the Third World today, this situation is turned upside down: wages are lowered to be internationally competitive' (Reinert 115).

Thus, when there is failure to develop on the part of the developing nations – for which Africa bears the brunt of the negative aspects of globalisation – the neo-liberal explanation offered under the rubric of the Washington consensus has been that the offending nation just did not get the required set

of structural institutions – property rights, prices, governance, education, institutions, diseases, climate, innovations, entrepreneurship, etc. – right (Reinert 216).

This neo-liberal approach, relying mainly on Ricardo's comparative advantage within the context of globalisation, is responsible for the other paternalistic gestures directed towards Africa as 'in the case of the millenium' Development Goals programme. Problems are not attacked from the inside but from the outside (Reinert 240). Thus, the kind of proactive development driven by the Europeans as their own agents that produced an industrialized Europe is eschewed in favour of development 'programmes' that breed dependency. According to Reinert: 'In the place of this economic development that made Europe rich and malaria-free, Africa gets to keep a colonial economic structure, exporting raw materials with an underdeveloped industrial sector. Instead of development enabling the continent to service debt, Africa gets debt cancellations. Instead of development that eradicates malaria, Africa gets mosquito nets. The structural problems underlying Africa's situation are not addressed, just the symptoms of these problems' (Reinert 236).

In the case of Africa specifically, this brings me to a more practical support of the counter-Ricardian hypothesis of abstract comparative advantage. The truth is that the technological and economic disparities between the individual African countries and their global competitors are just too great for each nation to tackle the situation singly. For globalisation to work in the case of Africa, there is need to change the economic landscape so that the small monoculture countries become integrated parts of larger economic units. This would require the relaxation of trade barriers, less restricted movement of goods and services, and the removal of unnecessary tariffs. Reinert does mention the need for regional integration (281), but it is insufficiently stressed. As he puts it with reference to Africa: 'instead of increasing regional integration, intercontinental trade is prematurely replacing regional trade…. The globalisation orchestrated by the Washington Consensus hit the periphery prematurely and asymmetrically, and is therefore doomed to create a group of nations that specialise in being poor within the world division of labour' (281).

But Reinert's general thesis remains sound: the free market recommendations offered to developing nations in general by neo-liberal economists according to the Ricardian principles of comparative advantage just will not work. The example of Mongolia offered by Reinert supports this claim. According to Reinert, Mongolia was chosen to become 'the World Bank's 'star student' of the former Second World' just after the collapse of the Soviet Union. That nation was supposed to follow the free market prescriptions of the World Bank and the IMF. It was supposed to open up its

economy to globalized trade and to specialise in the production of computer software (Reinert pp. 175-179). The result was that Mongolia's growing industrial sector was destroyed, wages were halved and the project of producing computer software was a failure, given that Mongolia's infrastructure was not adequate for such.

The path to development lies in the technologically less developed nations seeking to emulate the more technologically advanced by nurturing and protecting those fledgling industries and technologies that would eventually hope to compete effectively in an environment of freer markets. This brings me to the contradictory position on the investment in human capital undertaken by a number of developing nations. It is obvious that to move from the position of exporter of raw materials to one of manufacturing and industry requires an adequately trained workforce. But even if a certain percentage of this group seeks to migrate to areas where wages are higher, that should not serve as a prohibition against the vital necessity of developing a well educated populace in the first place. A populace educated along modernist lines is ultimately a comparatively better society in terms of its own political and economic interests. Thus, one must take issue with Reinert's idea that unless there is a simultaneous promise of industrialisation, the decision to invest in human capital could be a foolhardy one. Reinert states that an 'education policy must be matched by an industrial policy that creates demand for the graduates' (Reinert 116). Otherwise such individuals would just flee to areas where their skills are better rewarded financially. But not necessarily, if governments make the right investment decisions in terms of capital investments. Furthermore, if there is human capital flight, in many cases it is not permanent.

In actual practice, it would seem that the process of industrialisation should be undertaken in two steps: first, there should be much investment in human capital at all levels; second, the newly trained personnel would then be in charge of those business sectors that would require the managerial, financial and banking personnel to manage the services and manufacturing sectors of the economy. It is the products of the appropriate education policies that would then generate the appropriate industrial policies.

What is also missing from Reinert's analysis is how nations that are on the path of economic development would gain ready access to developmental capital without the constraints usually imposed by the hegemonic IMF and World Bank? The problem is that the nations that seek to industrialise must necessarily obtain capital from somewhere. In the case of Africa, developmental capital has traditionally been obtained from the IMF, World Bank and other lending institutions that rely heavily on the politically motivated recommendations of these two hegemonic institutions.

The solution is that the developing nations, especially those in Africa, seek to capitali*s*e themselves through institutions such as regional or continental central banks, in much the same way that Western nations created their own capital when necessary. Capital provided by Western banking institutions such as the IMF, the World Bank, etc. are necessarily in dollars and must be paid back with interest as such. Under such constraints, there can never be sufficient savings for capital accumulation to effect the required qualitative change from being raw material exporting to value-adding manufacturing nations.

In sum, Reinert's text is to be recommended to those interested in understanding and seeking solutions for the disparate wealth of nations that now plagues the modern world. The majority analysis offered by standard neoclassical economics as embedded in the Washington Consensus is just not adequate. Reinert's heterodox analysis with its emphatically empirical and historical approach 'offers a much more realistic working framework from which to tackle the serious problem of economic development'.