

# ***Refounding the African state and local self-governance: the neglected foundation***

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## ABSTRACT

The political revolution of contemporary Africa has so far largely been limited to the centre and to re-establishing the same institutional forms and processes which failed Africa in the 1960s. These regimes are already showing signs of erosion. This problem can be understood through the theory of public goods. Key collective or ‘public’ goods problems impede the collective action necessary for institutional development. Top-down strategies cannot surmount these problems because they cannot integrate and unify the population or structure consensual and sustained collective action.

As currently constituted, national levels of government in Africa will be poor partners with local communities in development, be it of democracy or of the economy. In many cases, national regimes only exist at all because minimal contributing sets or political monopolists controlled, were given, or mobilised the resources to establish constituting rule systems which they used to sustain their existing relative advantages during the break-up of imperial systems. As this advantage is usually at the expense of the majority which lives outside the capitals, resources and policies to improve these areas are slow in coming. The slow, bottom-up process by which a true public constitution is built, one which reflects and elaborates generally held values, is built on existing political relationships, and protects social diversity, has never been allowed to develop.

Refounding the African state must resolve these problems if it is to succeed. Ethnically and religiously diverse peoples will rule themselves better under federal and consociational systems which give local leaders space to lead local institutional development, authority to play a role in national governance, a process to develop consensus on central policy and to check the centre when there is no consensus. This requires a foundation of viable, real, developed structures of local governance if it is to succeed.

## INTRODUCTION

Among laws controlling human societies there is one more precise and clearer, it seems to me, than all the others. If men are to remain civilised or to become

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civilised, the art of association must develop and improve among them at the same speed as equality of conditions spreads.

(Alexis de Tocqueville)

Africa is currently undergoing a period of potentially vast reform and reorganisation. For better or worse, the economic problems of the 1970s and 1980s have led many states to embrace a fundamentally different set of macro-economic policies: structural adjustment programmes (SAPs) of one sort or another (World Bank 1994). Regardless of one's feeling about SAPs, they represent at least a dramatic change from the macro-economic policies of the independence era. However, in the realms of politics and of grass-roots development, the problems of the last two decades have not led to a comparable revolution. In large measure, the institutions and strategies of the 1960s are being recycled.

Specifically, while elections have been held, legislatures are in place and sometimes operating, the military is generally staying out of politics, a judiciary is again operating more freely from obvious governmental interference, and a weak but apparently free civic life is returning to the capitals, much remains unchanged from the 1960s. As thirty years ago, a single, strong leader often dominates politics at the centre; parties competing with the dominant party are frequently fragmented and weak; legislatures are generally institutionally far weaker than the executive branches; ethnically related political fragmentation appears to be returning; and the civic life of the centre is generally shallow, with little activity beyond the leadership of Westernised professional interests, many of them sustained by international NGO and donor support (Gyimah-Boadi 1996; Joseph 1999).

Furthermore, these regimes show little sign of closer ties to the grass-roots, largely poor populations than the first generation of democracies. Leadership is drawn from the urban, Westernised sectors, and administration continues to be a predominantly top-down process that discourages local empowerment, governance or initiative. Institutional forms and processes at the centre do not appear in any normative or organic way to reflect an *African* foundation or experience. Nor do the grass-roots populations appear in any meaningful way to be involved in decisions that affect their lives. Rural areas remain largely economically and politically stagnant, and urban areas' quality of life continues to degrade. Indeed, it appears that the centralist-rationalist and liberal-democratic paradigms of the 1960s have been little more than dusted-off and put back into service.

At its core, Africa's problem is still one of underdevelopment: people are poor, resources are underutilised, and institutions are ineffective in facilitating the very individual and collective action needed to resolve these problems. Services such as health, water and education are poor to non-existent; infrastructure cannot be maintained, much less built; environments are pressured and degraded by over-use; promising projects remain uncompleted; and civil conflict remains unresolved. As numerous scholars have well demonstrated, democracy and effective governance in Africa have been weakened by this underdevelopment. It makes the population vulnerable to patron-clientage, saps civil society, weakens the middle class and erodes the resources that the state needs to function (Jackson & Rosberg 1982; Hyden 1980, 1983; Rothchild & Chazan 1988; Bratton & Hyden 1992; Harbeson *et al.* 1994; Wunsch & Olowu 1990; Wunsch 1994).

But if underdevelopment can be seen as a major cause of Africa's problems, the experience of the last three decades suggests there is still a very *unclear* understanding of what to do about it. Liberal democracy, exhortation, ideology, force, expertise, mobilisation, central direction, recent 'structural adjustment' reforms, have all been tried, and have all failed. This article will use the analytical framework offered by the rational choice school to help explain these failures and suggest what might be tried instead (E. & V. Ostrom 1977; Bates & Lofchie 1980; Bates 1981). It argues that liberal-democratic reforms are likely to fail today, just as they did three decades ago: indeed, in several states the reforms appear already to be eroding. This is because they do not confront or resolve a number of problems relating to generating sustainable constitutions for national governance, or establishing broadly based and accountable political institutions. Essentially, each set of problems requires attention to building local political institutions.

#### INSTITUTIONAL DEVELOPMENT, DECENTRALISATION AND LOCAL GOVERNMENT

Institutions are critical at all levels of human interaction. This is in part because in a world of limited and uncertain information, individuals must make guesses as to the likelihood of behaviour being sanctioned or rewarded, and as to the value to them of specific public goods such as 'constitutions', be they national or local. Those guesses are complicated by how widely problem and policy areas vary: in scale, cost, input, technology and the numbers and preferences of other

people involved. Under such uncertainty, political institutions and effective leadership which help translate problems into policies are essential. Institutions are necessary to guide political decision-making along procedures regarded as just and fair, to define certain outcome sets as acceptable and unacceptable, to clarify just who has a right to participate in which decisions, to assure and reassure people that future decisions will be made predictably and not randomly, and to specify what sorts of citizen obligations might and might not be incurred. Institutions are furthermore a mechanism to structure politics along productive lines (avoiding prisoner's dilemma games), and to ground politics in norms (E. Ostrom 1986a, 1986b). They make possible the accumulation of social capital (Putnam 1993).

Political leaders are also needed, to gather, interpret and manipulate information, distill local discontents into specific wants, crystallise and generalise goals, coordinate activities, legitimise bargains, reward others who take leading roles, use their reputations as a public 'hostages' for funds, use trust built by them to sustain projects over trying times, and use their reputation for success to persuade fence-sitters to join in (Dahl 1961). They too help build social capital.

However, neither institutions nor leadership are free. Institutions require investment of trust, labour and time. People must see institutions as generally reliable and fair mechanisms for protecting their personal integrity and achieving collective goals, or they will ignore, evade or suborn them. Institutional infrastructure must therefore be understood to work, and to embody existing normative and historical dimensions: it must seem just, in relation to given values, and have a reputation for propriety and effectiveness. Both are important to create 'power' and to convert it into 'authority'. If one assumes that social norms are more sensed than overtly known and fully articulable, and that learning is essentially experiential, then the long genesis and high value of existing institutions ought to be evident. Indeed, as noted above, institutions are themselves a sort of 'public good', in that all share in their benefits regardless of whether they pay or not, and they can therefore be difficult to establish or sustain. Thus, institutions which have surmounted these 'establishment' costs and are 'going social concerns' are of high value (V. Ostrom 1980, 1986). Because of the problems of national 'institutions' in Africa, discussed above, local institutions are critical. However, they are also vulnerable.

Primary or 'local' political institutions require at the very least the tolerance of legally superior authorities. Furthermore, individual citizens can hardly be expected to expend time and heart on local

structures without any authority or resources (Wunsch 1998, 1999). Yet, as Tocqueville suggested, national governing structures will be inclined to take both from local institutions; out of jealousy and out of a desire for orderly and consistent administration (Tocqueville 1966:62).

The same problems present themselves when one considers the question of political leadership. In a real world of scarce resources and pressing needs, politics must be understood to be a vocation like all others: it must attract novices, train apprentices, sustain journeymen and reward its master craftsmen. When it does not offer structures through which professionals can do their work and reward practitioners, it will die (Smock 1971: 58–60, 110–18, 172–5).

The centralisation of formal political life in most of Africa has meant that there has been a dearth of political institutions and political vocations below the national capital. Generally, there remained few legitimate structures below the centre through which communities could create and sustain a civic life. Talented and ambitious people were drawn to the centre. Simultaneously, the dominance in public life of the expert acting through the national ministry or bureaucracy shrunk further the scope of grass-roots institutions, and the resources and opportunities available to sustain political generalists (Ross 1975: 126–7; Waterston 1976; Zolberg 1966; Wolpe 1974; Bunker 1987; Crook & Manor 1998). As a result, corrupt national institutions eventually led to weakened local institutions.

If this reasoning is valid, space and authority for Africa's sub-national political life is necessary before a political process can develop and fulfill the functions discussed above. Institutions, many of which still exist at the grass-roots in some form, need to be allowed to grow to meet current problems. The colonial constitutions created a stasis that still freezes Africa's civic and political life (Young 1994). Political life below the centre must be legalised and institutionalised: to build on local learning, to achieve insulation from the centre, and, later on, to control the centre and assure broadly based accountability. Novices need to be trained, and those without talent need institutions to train and guide them, as well as reward and protect them from the powerful, sometimes well-intended, but often oblique politics of the centre, the bureaucracies and the experts (Wolpe 1974: 145–94; Chambers 1983; Smock 1971; Scott 1998).

Recent research by Ottemoeller (2000) in Uganda and Fass (2000) in Chad, illustrates the potential of local political institutions. Building on local norms of representation, and responding to the felt need for such

goods as education, security and conflict management, rural and village dwellers in each country have constructed new local institutions that are effective in raising and delivering collective goods. These local political institutions employ personnel, levy and collect taxes, keep accounts, maintain buildings, manage programmes, hear and settle civil cases, and raise local police forces that protect communities. Similarly, Crook and Manor (1998) found great vitality and energy emerging in local governance in its recent reincarnation in Ghana, until the political-economy of civil service elites, who kept one 'foot' in the politics of the centre, displaced most local energy and enthusiasm. Olowu found similar local vitality in Nigeria (1993). The contrasting cases are instructive as to what can be accomplished via local political institutions in Africa, and what tends to stand in their way (Wunsch 1999).

#### LOCAL SELF-GOVERNANCE AND NATIONAL GOVERNANCE

The core issue of this article is why and how local institutions must play a role in national politics, if democratic and constitutional reform is to be more than ephemeral. To do this, the article will step back and analyse the problems associated with establishing institutions, in particular national ones which are both genuinely democratic and constitutional, and how Africa's solution often led to ones that were neither.

A government as an institution can be conceptualised as a structure of rules, both written and unwritten. Rules are a linguistic expression of preferred states of affairs which, when enforced, provide benefits and costs to defined classes of persons engaging in defined actions. To engage in governance is to define and attempt to enforce rules. *Behind* these rules made by governments, however, are second level or constituting rules which regulate how governments themselves operate: such as what they must do to define and enforce a rule; what they may and may not do to persons; how their office holders are selected; which institutions have what prerogatives; and how new second order rules are made. Any given set of these second level or 'constituting' rules 'rigs the game' of politics in a variety of directions. Among other outcomes, they broaden or narrow public influence, restrict or enhance the ability of officials to enforce their will on citizens, and advantage some groups over others, sometimes in virtual perpetuity (Kiser & E. Ostrom 1982). These second order rules can be seen as action sets that determine the character of a political process, and dramatically affect

the ability of institutions – and peoples – to live in prosperity and peace (E. Ostrom *et al.* 1993; E. Ostrom 1990).

Rule systems have many features of public goods. First, the *general benefits they give in ordering society (like the costs) are available to all*, regardless of a person's active support (through payments of taxes, loyalty or information). These benefits may include an improved economic and social environment growing from the capacity to take collective action; a greater voice in public affairs by a diversity of people through representational systems; and continuity in policy through rules of information, precedent and succession. Negative consequences may also occur, flowing from flawed or biased rule systems, and can be just as hard to evade as benefits are easy to enjoy.

Second, *persons have an incentive to ride free if they are able*: to pay no taxes, contribute no labour, stay home on election day, evade military service or ignore public issues. Even more to the point is the advantage that persons can accrue by suborning specific institutional rules to their personal advantage, while maintaining their general benefits by leaving the rule system intact for all others. For example, if a person can 'buy a judge' and pursue a civil suit but leave the rest of the rule system intact, or stuff a ballot box or two while leaving the electoral system intact for others, the rules will work greatly to enrich those who suborn that small part of the system. Of course, if the political structure has no authority, allocates no resources and makes no decisions (as with formal local governments often in Africa), a person's only recourse is to ignore the whole charade!

Third, *national regimes are public goods which are particularly costly to establish*. They cover large areas of land, try to include many disparate and at times conflicting peoples, and aspire to provide many costly services. The transaction costs associated with achieving broad and general agreement on the nature and character of national regimes are very high indeed. The costs of operating such regimes are also very high.

This poses an intriguing question: if the overall costs of establishing a national regime, particularly one supported by and serving the entire population, are very high; if the benefits of governmental rule structures (described above as the constituting rules) accrue to all if to any; if each person has rational advantage to be gained by avoiding paying the costs of sustaining or following the rules; and if individuals may gain an even greater advantage by suborning particular rules for their own benefit, then who or what mechanism will be able to establish and sustain general rule sets? Agreement on what they ought to be will

be difficult, and free-riding or suborning behaviour will challenge, corrupt and perhaps destroy whatever *is* established.

In fact, of course, African central state regimes do exist. However, as a rule they are not democratic or constitutional, nor have they been particularly effective in improving the lives of their peoples. This pattern can be directly related to the above problems, as Olson (1965) explains in *The Logic of Collective Action*. He notes that collective action, including establishing rules, can be expected to occur most easily when small groups tie themselves together through face-to-face relations and use social pressure built upon a strong sense of obligation. His scenario resembles in some measure the local governments that Tocqueville (1966:62) noted spring up wherever human society exists:

The Township is the only association so well rooted in nature that whenever men assemble it forms itself. Communal society therefore exists among all peoples, whatever be their customs and their laws; man creates kingdoms and republics, but townships seem to spring directly from the hand of God. But though townships are coeval with humanity, local freedom is a rare and fragile thing. So communal freedom is not, one may almost say, the fruit of human effort. It is seldom created, but rather springs up on its own accord. It grows, almost in secret, amid a semi-barbarous society. The continual action of laws, mores, circumstances, and above all time may succeed in consolidating it. Among all the nations of continental Europe, one may say that there is not one that understands communal liberty.

As well as their relatively small size and shared values, one might hypothesise (as does Tocqueville), that fairly similar socioeconomic status among members is important in facilitating the founding and development of this small-scale, rule-based (constitutional) governance. Under these several circumstances, shared values and social equality may work to reduce organisation costs and help persons discover, establish and revise rules which work to apportion fairly 'goods' and 'bads' among members of the group, while face-to-face relationships and social pressure work to reduce or control 'free-riding' and 'individualistic suborning' of rule sets. Well-known research in Africa tends to support these hypotheses, particularly that of Smock (1971) and Bunker (1987), as well as the recent research of Fass (2000) and Ottemoeller (2000).

When one looks beyond smaller and more homogenous social units, the process by which such constituting rules can be agreed upon and established is less clear. As Olson (1965) suggests, when transaction costs are high, when there is division and even suspicion among various people, the possibility of establishing agreed-upon rules from the



'bottom-up' is greatly reduced. In such circumstances rule-systems seem to depend on the existence of a 'minimal contributing set' or a 'monopolist' which will reap enough benefits from establishing a structure for collective action that is worth their/his while, and resources to pay the cost of establishing and sustaining a configuration of rule sets sufficient to establish and sustain widespread collective action. Colonial regimes can be seen as precisely such enterprises (Young 1994). Unfortunately, the urban-bureaucratic-military and personalist regimes of the post-independence era appear largely to be so as well (Wunsch 1990, 1994, 1999).

When, then, a small clique or a single person has the resources to establish and enforce a set of constituting rules, one might expect a great danger that they will design unilateral advantages and biases into those rules, that subsequent operational rules will be biased, that enforcement may as a result over time require growing coercion, and that many people will attempt to ride free or suborn such rules. Indeed, under such a system, the minimal contributing set of persons may find an extra advantage in establishing operating rules which bias the system against the economically productive, so they are able to 'sell' indulgences to those who wish to evade rules which work to their disadvantage (de Soto n.d.). Among other consequences, these regimes generate corruption, economic inefficiency, eroded legitimacy and, eventually, economic and administrative decline (Bates 1981; Wunsch & Olowu 1990).

Such regimes, beyond their control of the state apparatus and the legitimising influence of membership in the post-1945 world-states system, are in fact very weak (Jackson & Rosberg 1986). Their support in the population is shallow (as seen in the public response to Africa's many coups). Their administrative writ rarely reaches much beyond the capital. Their attempts to lead significant social or economic change or even to deliver basic services have been, for the most part, ephemeral (Hyden 1980, 1983).

Perhaps because of this weakness, such regimes, throughout the post-independence era, have been reluctant to allow local leadership or institutions to develop or play any significant role in organising local collective choice or collective action. Upon close inspection, virtually every post-independence 'decentralisation' reform has been revealed to be no more than administrative deconcentration (Olowu 1990). Local autonomy could well spawn the leadership and cohesion to challenge the state elite, just as it did during the late colonial era (Mawhood 1993).

Establishing and sustaining a state across a large and disparate group of people is thus a major 'public goods' problem. In solving that problem in Africa, generally not overly just, effective, publicly accountable or democratic systems were established. Ironically, because some real advantages still grow from having general social order, and will accrue to those outside the minimal contributing (and privileged) set, others may well be willing to work within even the biased framework instead of facing a new collective goods problem: perpetrating a revolution, where they may well pay very high costs indeed, before reaching an only very uncertain outcome. Many of the state's most talented citizens learn to work the existing system to their advantage, even if not for that of the population as a whole (Joseph 1987). The exploitative, inefficient and ineffective performance typical of Africa's independence regimes flows directly from the difficulty of creating national governing rule-systems, and the sub-optimal solutions that were reached (Jackson & Rosberg 1982; Wunsch & Olowu 1990; Young 1994). Instead, Africans must look to sub-national rule systems, ones less dependent on ruling cliques to sustain them.

#### IMPLICATIONS FOR AFRICAN DEMOCRACY AND DEVELOPMENT

If this reasoning about national and local institutions is valid, it has several important implications for democratic reform in Africa.

##### *Centrally focused reform*

'Democratic' reforms limited to the centre will probably be ephemeral. Because of the social and economic heterogeneity of most African states, and perhaps also because of the questionable legitimacy of the state as the heir of colonialism (Ekeh 1975), normatively based consensus beneath any set of national rules is unlikely. Lacking that, social pressures against free-riding, corruption, patron-clientage and suborning the state's rules are weak. The transaction costs of developing and maintaining a broadly based government are also likely to be high – perhaps prohibitively high – and rule by a small clique which reduces the transaction costs to exchange among a few is most likely. While the form and appearance of democracy may appear at the centre for a brief time, it will not last if limited to reform of central institutions. The cost of sustaining such a public good and the temptation to suborn it for personal interests will destroy it.

*Local institutions and democratic reform*

African states are simply not going to erase the ethnic, religious, regional and economic differences which fracture their peoples. Nor, however, are those peoples in most cases intrinsically hostile to one another. Rather than forcing a fiction which never existed historically, African leaders might better solve the 'public goods' problem of national governance by taking advantage of one aspect of the problem: the frequently still viable and working social capital and local institutions which exist to this day in much of Africa.

In the face of horrendous drought, famine, war, and ineffective, corrupt and at times exploitative governments, Africa's people have survived. They have maintained social order, raised their young, cared for their aged and maintained their civilisations. They have done these things largely in and through their local institutions: through kinship, voluntary associations, churches, and traditional/historical rule structures and leadership. They have rich organisational skills and a rich tradition of consensual working rules.

These are the building blocks of a democratic-constitutional (i.e. accountable and rule-governed) system for Africa's future. They have solved the essential public goods problem of governance at the local level. If left intact they can be combined to form viable state systems through (1) *federal* principles, as the constituent components of federal states.<sup>1</sup> This can be sustained, if in the periphery the principle of (2) *subsidiarity* (i.e. all government functions should be performed at the most local feasible level) is respected, and at the centre (in multi-ethnic polities), if government's decision rules reflect the principles of (3) *consociational* democracy (Lijphard 1977).

Consociational democracy recognises the existence of serious divisions among the peoples of a state. While they may have significant reasons for remaining in a single state structure (such as economic interdependence, ethnic inter-mixing and strategic-security issues), the simultaneously differing but interdependent identities and interests of its peoples mean that national governance must emphasise representation, discussion and consensus-building, and thereby reduce latitude for rapid and unilateral executive action. In constitutional language, there must be high decision rules and numerous veto points (Ostrom 1987). Logically, the structures of representation and potential veto points are based on existing, sub-national entities which have legitimacy to the various communities living in the state. In other words, as national diversity makes it more difficult to agree on

centralised national powers, a larger burden of decision-making must perforce fall on the representatives to which sub-national regimes can agree (Horowitz 1993). A larger burden of responsibilities and action must similarly fall on sub-national institutions of governance: to pick up the slack because of slower and more limited national government action, and to correspond to decreased ethnic-social heterogeneity at the local level. Such a system, Varshney (1998) argues, has sustained a constitutional democracy in India amidst its poverty and ethnic diversity.

*The role of the centre*

These three constitutional principles imply a different and smaller role for central governments in Africa. While some will reject that implication, a number of facts should moderate their opposition. First, the centralist/integral state strategy employed since independence has led Africa to probably the weakest governments on the globe. They cannot plan, budget, develop, administer or even achieve compliance from their populations. As Jackson and Rosberg (1986) argued, they exist largely because of the stability of the international law regime of the post World War II era. Nothing on the contemporary horizon suggests that any of Africa's states are moving much beyond this. Indeed, in recent years even such giants as Nigeria have sunk even lower, while Congo-Kinshasa today hardly exists as a state at all.

Second, where African governments have exercised such centralist power, they have led to severe ethnic conflict and occasional policy disaster. Uganda's turmoil was triggered by Obote's push to dominate Buganda; Ethiopia's by the severity of the Derg and earlier by the domination of the Amhara empire; Sudan's civil war by the attempt of the centre to rule the South; Liberia's by the Americo-Liberians' aggressiveness towards the land rights of the 'tribal' peoples; Rwanda's by the legacy of centralist domination by both Tutsi and Hutu. The list could go on and on. Ujamaa led to the impoverishment of Tanzania; Nkrumah's policies to Ghana's bankruptcy in 1966; Kaunda's policies to the impoverishment of Zambia. Rarely (if ever) have centrally focused constitutional provisions or presumed 'elite wisdom' eased rather than worsened these problems (Scott 1998). Indeed, the evidence is that the 'elites' have been at least as lawless as the periphery: often, more so (Chambers 1983). While Westerners recoil in horror at the occasional primordial abuses of the countryside (Heywood 1998), the 'modern' state butchers thousands or even millions, and is often the source of the ethnic conflicts in the rural areas (Reno 1998).

Thus, it is not clear that centralism has been an effective remedy for the problems associated with multi-ethnicity. Nor is it clear that the centre has the wisdom or the capacity to develop anyone. Indeed, the military-based model of development (marshal one's resources in a command-led 'attack' on poverty) has succeeded nowhere in the face of the complexity of poverty, the multi-variant nature of sociopolitical relations, the inflexibility inherent in bureaucratic strategies, and the absence of 'blue print' solutions to poverty. It assumes more knowledge and capacity than the centre possesses (Chambers 1983; Wunsch 1986; Esman 1991; Chambers 1974).

Where does this leave reformers? *First*, and foremost, existing rule sets which have provided mechanisms over time by which people have been able to solve their collective problems are extraordinarily valuable. While no rule sets are likely to meet all normative criteria, nor equally likely to solve all collective problems, existing ones should be regarded as prerequisites to effective subsidiarity, which is the foundation of federal political society. They are also the representational and intellectual building blocks for a broader consociational central regime, rather than obstacles to an elusive 'national unity'. The primary priority of national regimes regarding local 'constitutions' is to maintain local peace and to encourage the equality of persons before the law. This is essential to avoid exploitative dynamics and conflict which preclude their ability to maximise human welfare and development. It is in assuring such principles as these that national governments should marshal and focus their powers: achieving them alone will take both effort and time. If they cannot even do that, then it is well past time for them simply to dissolve and end this surreal fiction. Aside from working on general frameworks, which will not be easily or quickly established, *subsidiarity* is critical to give these ongoing enterprises space to develop their peoples' lives, and authority and power to participate as units of representation in 'national' governance.

*Second*, scholars must begin reasoning about how such systems of local political rules might be aggregated into larger systems which can provide for larger scale economic, social and political needs. In pursuing this subject, scholars should look to aggregate local 'regimes' through working rules that encourage productive relationships *among* them. This might entail elaborating generally held principles of action as the basis for national rule sets. It might mean regionalising responsibility for some programmes and problems to encourage lateral relations among local institutions of governance (Horowitz 1993). It might use the local units as constituent parts of the national regime to

reduce organisation costs, and to provide a counterbalance to potential national minimal sets or political monopolists. Mixed representational systems such as the German system might work to accomplish this. Local units and their particularistic features must be well protected, to maintain their popularly based constitutions in the face of continued centripetal forces. Certainly the experience of multi-ethnic and economically poor federal systems such as India could be used. *Federalism* and *Consociational principles* will be important in this task, but the details must be worked out state-by-state.

*Third*, it must be recognised that political leaders are unlikely casually or easily to adopt these reforms. Just as Bates' work (1982) so clearly and ironically demonstrated in the realm of economic policy, these reforms though necessary for the people's future, are diametrically opposed to the interests of those currently in power. Thus, no one should be surprised to find national levels of government in Africa to be poor partners with local communities in development, be it of accountable governance or the economy. In many cases, national regimes exist at all only because minimal contributing sets or political monopolists controlled, were given, or mobilised the resources to establish constituting rule systems, which they used to sustain their existing relative advantages during the break-up of imperial systems. As this advantage is usually at the expense of rural and non-elite peoples, resources and policies to improve those areas and persons will be slow in coming, just as will a genuinely broadened regime. So the processes will not happen quickly or neatly, and the centre will have to be 'pushed' consistently to support and sustain these changes (Wunsch 1990).

#### UTOPIANISM OR A VIABLE PATH?

This article does not claim that generating an African polity from African sources will be simple, automatic, smooth or even steady, nor that 'untouched' 'traditional' African polities exist somewhere, immediately to 'rescue' Africans from the current state systems that have operated so poorly. It deals with Africans' more general capacity for and experience in self-governance and the art of association as demonstrated throughout the last hundred years, and is based essentially on four propositions. Three of these are covered in this essay, and a fourth is well established by modern social science:

- (1) the current, central state-structure of Africa is highly ineffective and not linked with, articulated to nor reflective of the interests and values of the masses of Africa's peoples;

- (2) the current, central state structure of Africa is essentially a mechanism by which the few extract wealth from the masses, returning little;
- (3) Africa's peoples have a long and deep record of successfully managing conflict and organizing collective action at the local level; and,
- (4) human beings everywhere, as rational and goal directed actors, have the capacity to learn from experience, and convert that to future plans, including the conscious design and redesign of institutions which reflect that learning (Simon 1945; E. Ostrom 1990).

Thus, the argument of this article turns not on the naïve and utopian belief that a 'bottom-up' strategy will work equally well, smoothly or justly everywhere, nor that 'traditional' regimes exist simply to 'takeover' political functions from failed states. It turns instead on a rather more pessimistic but I believe unavoidable assessment: the central state strategy has, quite simply, failed to deliver social justice, democracy, good governance or economic development anywhere it has been pursued; but, encouragingly, the vast majority of African peoples has somehow survived in civil society in spite of this. Given these four propositions, and these facts, even with the problems an evolutionary strategy that builds on existing social and political infrastructure is very likely to face, it represents a preferable choice. Indeed, as Sklar (1995:27) recently noted, some aspects of it are already in place: 'All African polities have dual (constitutional and traditional) dimensions of authority.' Importantly, he added: 'In the main, existing incorporations of traditional authorities amount to oligarchic encroachments on democracy. Yet, they do tend to enhance the stability and legitimacy of polities that rest on insecure democratic foundations.'

Still, it must be asked: what *does* exist today below the level of the state? What *is* the status of these institutions and values? Along with the literature on community organisation already mentioned, after many decades of neglect contemporary scholars are beginning to turn serious attention to other African grass-roots institutions and their political implications. Naturally, some of this research is sceptical of their potential in 'modern' politics. However, sometimes the negative implications of these analyses are less severe, or even seen as erroneous, when placed in a broader or critical perspective.

Three recent articles in this journal provide detailed analyses of institutions and political cultures at the local level in different parts of

Africa; and while these certainly show significant differences from Western political cultures, they equally demonstrate the continued vitality of grass-roots approaches to issues of political organisation and authority. Patterson (1998) offers a well-reasoned essay which certainly raises serious concerns about the democratic implications of 'civil society' in Senegal, but which equally indicates the role of *outside* sources of wealth in undermining local accountability. It suggests that grass-roots organisations function *better* when the state (and donors) stay away from the local organisation and its learning process; and while such organisations may not meet the current gender-equality concerns of the West, they may well still function quite well as the building blocks of local governance, and contribute to an evolutionary process, which will generate a broader *African* governance system.

Heywood (1998) reviews Savimbi's seemingly inexplicable hold on UNITA in the face of evidence of unsavoury activities such as witchcraft accusations and burnings. She deftly explains how traditional Ovimbundu political culture balances the 'hunter' against the 'blacksmith' roles of the king (an authoritarian, strong leader *versus* a practical, providing and consultative leader), and how the Ovimbundu understand irresponsible government and abuse of power to grow out of evil behaviour. The forms that these concerns currently take are 'limiting' in that they are informal, weakly institutionalised, and not particularly amenable to dispassionate analysis. However, they embody key issues of good governance everywhere (balance, responsibility, ethics), and reflect a moral expectation of political leaders sadly lacking in the formal, institutionalised and rational state, throughout most of Africa today.

Finally, Yoder (1998) presents an insightful essay on the traditional political philosophy of the Kanyok of Congo, as interpreted through their myths and folktales, demonstrating the continuing vitality of the sociocultural heritage of pre-colonial days. Here again, the values that Yoder identifies are alien at least to an idealised conception of Western liberal democracy, but in fact, that is just the point: no one can tell exactly how African peoples *will* translate their working experience in self-governance at the local level into formal and larger scale regimes until they are allowed to do so. To demand a 'road-map' of 'what sort of state' this will lead to is a sort of impatient intellectual 'neo-colonialism' which seems to argue, 'prove to us right now you will emerge with a Western liberal democracy, or you should not be allowed to follow your own path'.

Some peoples, such as the Ibo and Yoruba of Nigeria, or the Ewe in



Ghana and Togo, could easily be seen as developing grass-roots democratic systems growing from their traditional political patterns, their vital community associations and cross-cutting mass religious movements. Others, like the Akan peoples of Ghana and Côte d'Ivoire, might develop into mixed republics similar to Great Britain in the late nineteenth and early twentieth centuries. The Hausa might be expected to develop as more of an aristocratic republic like Britain in the eighteenth century. Others like the now stabilising area of 'Somaliland' (northern Somalia), seem to be returning to a system of segmentary opposition, with Islamic courts and a very weak formal state serving as loose integrating devices. So far, this seems to be working better than either Said Barre's Western-style institutional system, or the donors' brief international 'regime' ever did. Similar arguments might well apply to the Nuer and Dinka of Sudan, whose optimal polities might simply not fit the Westphalian model of the West. Nor should they necessarily be expected to do so.

The upshot of all this is that the political future of Africa is not now known, nor can it be. As Young (1995: 25) recently wrote:

the debate will continue about appropriate political forms, which can incorporate aspirations for change shared by wide sectors of civil society and also provide realistic accommodation for diversity. These will necessarily involve a vision of the model state very different from that of 1960: the centralized, unitary, integral state asserting comprehensive hegemony over economy, society, and polity. Diverse forms of decentralized rule seem likely to emerge.

He continued in the same article to observe:

If we have learned anything about identity politics in recent decades, it is the importance of flux and change. No formulas are permanent. If we assume that democratization in Africa will be slow, uneven, and uncertain, yet will remain a defining element on the agenda of change and recovery, then constitutional formulas that embody these aspirations will need to remain open-ended, experimental, and responsive to evolving cultural realities.

Under the strategy articulated in this article, some African 'states' may continue as they are now, but under loosened confederal-consociational systems (Nigeria). Others might well evolve towards a unitary system more familiar to the West (Tanzania, Botswana), as real national political communities may already be emerging in those areas. Others may indeed shift boundaries, as has already occurred in Ethiopia/Eritrea, and may be occurring in Congo (Kinshasa) and Somalia. Had Abacha not died suddenly in 1998, many Nigerians believe a schism there would have occurred. This will not always be a

smooth process, or one with which Western observers are particularly pleased. But, to return to Somalia, the ‘concern’ of the West with Africa seems frequently to exceed its power, will or wisdom. Gathering evidence, indeed, suggests that it was largely Western interference in Somalia, both selfish and well-intended, that destroyed the balance-of-power of that segmentary society and brought on a violence that convinced many, yet again, that Africa is unfit for self-governance (Clark & Herbst 1997). For new and effective institutions to emerge, Africa’s peoples need an opportunity to draw on their working social infrastructure, learn themselves what works in governance and what does not, and build from that experience. While their learning will hit rough patches, it will certainly lead to evolution and change from contemporary institutions which are at best irrelevant, frequently corrupt and destructive, and occasionally genocidal. Continuity of Africa’s current state structure is not in the interests primarily of Africa’s peoples, but of ruling elites, Western capital and Western governments which prefer stability to an unpredictable international environment.

The issue at hand is really how societies build political institutions that work, and that populations are familiar with, understand and legitimise. It is about how people control these through popular influence, including popular and elite expectations that leaders will act consistently with social norms: with what Westerners usually call ‘ethics’. The top-down, institutional exporting approach of the colonial and post-colonial states sees essentially no active role for a society in this: its historical and current institutions, social norms, and ethics are seen as irrelevant and defective, as obstacles to ‘modernity’, and as infinitely malleable from the top (Young 1994). Universal systems are presumed to exist, and need only to be grafted onto the raw material of society. This is simply one more generation of the ‘conquest state’, though now with domestic rulers. Despotisms such as those of Mobutu or Mengistu have existed everywhere in the world, but are hardly consistent with the limited kingships and balanced power more typical of traditional Africa (Mair 1962; Ayittey 1991, 1998; Dia 1996). A leopard skin is not a constitution; it is merely a prop.

The alternate perspective of this article seeks to allow people to construct polities that would work to meet their needs out of their social and intellectual resources and their own learning processes. It stresses the need people have to learn from the consequences of their choices. To do that they must be able to *make* choices, and have short enough feed-back loops that the consequences are clear to *them*. This approach

stresses the ability of people engaging in the social enterprise of daily life to learn from their experiences, and construct out of them workable systems of rules (institutions) that organise their lives. These become undergirded by the society's normative expectations of one another, and of their political leaders. Elinor Ostrom's (1990) ground-breaking research on the non-formal institutions that often isolated and uneducated common people developed to deal with the complex interdependencies and uncertainties involved in critical common-pool resource systems, proves conclusively that local people can learn, adapt and build complex institutions to govern themselves.

Building on this research, this article has argued that the very existence of these ongoing social enterprises demonstrates that such rules (institutions) already exist, and that the challenge of state leaders is thus *not to establish* a polity, but to help *perfect* it. It is to *guarantee* that local polities are rule-governed, in some measure accountable to local dwellers, and respect core personal rights; to *facilitate* relations among the many institutions (formal and informal; national and local) of governance that already exist; to help *integrate* them into structures that provide functions they cannot provide on their own; and to *elaborate* larger-scale institutions that perform these functions. Thus, a minimalist but strong central state that attends to key overall needs (defence, currency, transportation, higher education, sound macro and micro economic policy, rule of law, basic human rights, and a commercial code), and tries to develop frameworks of law that encourage local initiative and institutional growth, is needed. This is emphatically *not* a neo-liberal argument for dismantling what is left of the African state. It is instead an argument to recognise in law what already in fact exists at many local levels, and in turn to help define central constituting rules that will allow a much *stronger* state in a more limited sphere eventually to emerge.

More patrimonialism and central weakness is certainly not an answer to the 'warlord' state so graphically presented by Reno (1998). A state which actually mobilises its citizens behind it because it enables them to develop and prosper is the answer. This can only be built through a central state based on existing social infrastructure, both organisational and normative, that exists primarily in small communities and at the local level. Federalism, subsidiarity and consociationalism are recommended here as organisational strategies likely to provide stable governance and to encourage learning (Ostrom 1987; Landau 1985).<sup>2</sup>

Western technologies, such as accounting, auditing, professional

administration, and the like, may be adapted and utilised as appropriate by those leading self-governance. A rapid retreat into a primordial traditionalism is hardly likely once one reflects on the organisational modernity and progress of the community organisations found by others at the local level in many parts of Africa over many years (Smock 1971; Crook & Manor 1998). What should change is the level at which many authoritative decisions are made, the learning and innovation that then comes from the population, the identification with and influence of the population in these institutions, their subsequent vitality, and the role they can then play in fashioning evolving rules of 'national' governance.



The absence or weakness of institutions of local governance in Africa meant that the vast majority of Africa's peoples had neither role nor voice in constructing national rule-structures which were familiar, legitimate and accountable to them, or which represented their interests. National rule-structures, reflecting both the interests of the inheritor elites and the rationalist-centralist mind-set of the era, were highly centralised, lacked legitimacy, were administratively ineffective, at times provoked deep ethnic conflict, and occasionally pursued utopian experiments blindly and at great cost.

The slow, bottom-up process by which a true public constitution is built, one which reflects, elaborates, and over time broadens generally held values, is built on existing political relationships and protects social diversity, has never been allowed to develop. Refounding the African state must resolve these problems if it is to succeed. Ethnically and religiously diverse peoples will rule themselves better under decentralised, federal and consociational systems. These offer smaller communities and their leaders space to learn from their mistakes, space to lead local development, authority to play a role in national governance, a process to develop consensus on policy, and power to check the centre when there is no consensus. Paralysis is certainly preferable to civil war, ethnic pogroms and genocide. This requires a foundation of viable, real, developed structures of local governance. While this will be a less orderly process, some peoples will be more successful at it than others, and some already existing inequalities will be continued in these institutions, it will nonetheless introduce a process of feedback, learning and innovation in Africa that will finally initiate real development. This would facilitate the long-term process of

building, from the grass-roots upward, a genuinely *African* state, one that will eventually be able to play its role in sustaining African society.

## NOTES

1. 'Federal' here is used generically, to refer to political systems where smaller units with autonomous existence and reserved powers are joined by a superior political authority with independent and superior authority over them regarding certain functions. 'States', 'regions' or 'provinces', may constitute the constituent parts. The logic of the argument in this paper, however, requires that they be composed of persons who form, in some way, a natural community. Because political life in Africa has gone on for some time at multiple levels, how to draw these lines will, and indeed should, be a matter of some discussion. Less critical than congruence with shared institutions, which often will be too small in scale for more than purely local functions, will be units that encompass shared values regarding political life, as well as shared social and economic space. When natural political communities are too small to act as constituent units of national governance, they should be units of the sub-national federal units.

2. The 'tributary' state described by Reno (1998) needs such a strategy to break out of its cycle of destruction, just as much as the agrarian smallholder or planter states. But the concentrated and irresponsible power given by control over oil, diamonds, gold or donor dollars may mean that those holding political authority have a very powerful incentive to block such reforms, and the money to hold on to power. Even worse, in the violent struggle to keep control of these highly valuable and concentrated resources, much critical social infrastructure is devastated, and the remnants of the state are irrevocably corrupted. However, the post 'donor' experience of Somalia as reviewed by Clark & Herbst (1997) suggests that indigenous social infrastructure may be far more resilient than many have thought. As Hippocrates suggested to physicians, the first and most responsible duty of the West may simply be to 'do no harm'.

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