

# TRADITIONAL AND MODERN POLITICAL SYSTEMS IN CONTEMPORARY GOVERNANCE IN AFRICA

By  
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## ABSTRACT

*This paper analyses the role of traditional and modern institutions of governance in contemporary Africa. It examines the traditional institutions in their historical setting and the way in which they negotiated with the modern political arrangements under colonialism and later during the post-independence period. Both the colonial and post-colonial authorities viewed traditional political institutions with disgust and suspicion, seeing them as backward vestiges of the past, but also as possible competitors for colonial and post-colonial political power. This uneasiness was ameliorated somewhat under the colonial system by the introduction of 'indirect rule' and the use of 'customary law' under 'Native Authorities', which were used as a neo-traditional colonial policy control mechanisms. Under the post-independence political order, traditional political institutions were either banned or tolerated to the extent that they were retained only as 'cultural' institutions. In Swaziland the neo-traditional colonial system came to dominate the modern party system and in Lesotho the traditional system existed side by side with the modern political party democracy. In Buganda and Ashanti the neo-traditional systems were marginalised and banned. With the crisis of the African post-colonial states and the tendency towards presidentialism, there has been a resurgence of traditional political institutions in a number of countries. The result has been an attempt on the part of the political elite to adopt a conciliatory attitude towards them, while at the same time, using state patronage to woo them and make them part and parcel of the contemporary political party system as 'cultural' institutions. Such is the case in South Africa, Uganda and, to some extent, Lesotho. The real question is to what extent the traditional political systems can be reconciled with the modern political party system and to what extent these institutions can help heal the wounds of ethnic divisions and conflicts on the continent. This paper will try to provide some theoretical and practical approaches to how cultural identities and the institutions they represent can become the basis of new forms of African state formations under the African Union.*

## INTRODUCTION

The contemporary political scene in Africa is characterised by the distancing of political rights of the majority from real political power and influence. The vast majority of African people are second-class citizens in their own countries who are used as voters to elect the political elite every four or five years. Since most of these elites speak foreign languages, they are unable to communicate with their people in a manner conducive to easy relationships. Multiparty democracy has not necessarily translated into greater democracy in a number of countries, as demonstrated by the series of coups that took place in African countries in the immediate post-colonial period. The rise of military dictators became a function of the Cold War as well as of the need for a single political leader to have unchallengeable political power, in the majority of cases with the open support of the so-called democratic countries of the West.

This support of the West for dictatorial regimes, which were considered agents of 'freedom' against Soviet power, soon proved unsustainable and, as the Cold War came to an end, their usefulness was exhausted. This led to pressures for the restoration of multiparty democracy, which resulted in the organisation of a number of 'sovereign national conferences', especially in the former French colonies. These conferences were supposed to contribute to an orderly return to political pluralism in an atmosphere of Western capitalist triumphalism characterised by the 'End of History' ideology (see Fukuyama 1992). The collapse of the Soviet Union became a major landmark in the revival of some form of pluralist, multiparty democracy in a number of countries. But in some this trend was soon exhausted with the continuation of 'democratic' one-party rule by the dominant party, such as happened in Tanzania. Moreover, new forms of one-party rule, like the 'no party democracy' in Uganda, emerged and were supported by the Western powers.

The history of Western democratic models in Africa is therefore a varied one and one needs to re-examine the role of *liberal* democracy in non-liberal pluralistic societies where traditional and cultural identities have remained strong. It is also necessary to examine what we mean by the terms 'traditional political authority' and 'modern political systems' before we add to the confusion.

Modernity was introduced by colonialism and was informed by it. Colonialism also, as indicated above, defined 'tradition', reinventing it to suit its interests. But elements of tradition also continued to exist and be used by the people in a somewhat modified 'post-traditional' form. In this way colonially created neo-traditionalism and post-traditionalism came to exist side-by-side and defined the way democracy was introduced in the post-colonial period.

The failure of present-day post-colonial states in Africa to consolidate themselves, in our view, a reflection of these two historical conjunctures – 'modernity' co-existing with 'tradition' in a somewhat 'inauthentic' relationship.

This stands in sharp contrast to the historical record, which reveals a rich tradition of the capacity of African people in the pre-colonial period to develop diverse political systems to suit their conditions. A study of these systems reveals a rich variety of forms of state and systems of governance. It is to these different forms that we now turn.

### AFRICAN TRADITIONAL POLITICAL SYSTEMS\*

Early anthropologists researching African political systems were pre-occupied with uncovering their functions and roles. This, as Blandier (1963) points out, enabled them to define the political relations and organisational basis of the systems, but the approach did not go far enough in elucidating the nature of the political phenomenon itself within the social system. The typological approach tried to advance the analysis by defining the 'types' of system studied by classifying the forms of political organisation arising from them. All this was done under the evolutionary assumptions of the origin of the state.

Fortes and Evans-Pritchard (1963) adopted this approach in their book on African political systems. The analysis enabled these scholars to trace the systems investigated from their simple, undifferentiated forms to more complex, centralised ones; from *gemeinschaft* to *gesellschaft* and from mechanical to organic solidarity. Marxist theories used to identify stateless societies from state forms based on class rule.

However, these approaches tended to create fixed hierarchies, which obscured the organic links in the political relations of the 'types' being investigated, and their politico-ideological basis as well as their cultural and historical preconditions. This weakness was not helped by the structuralist approach, which attempted to overcome evolutionist weaknesses by measuring the types in terms of structural differentiation. As Eisenstadt, Abitbol and Chazan (1988) noted:

It was assumed that the more institutional spheres are differentiated and specialized, the more the political structure takes the form of a specialized political sphere with distinct roles and organizations.

The main weakness in all these approaches was the exclusion of history from the analysis of African societies. The assumption that African societies did not have a history of their own became the very reason for ignoring the role of history and for locating African historical political consciousness solely in the era of colonisation so that the anti-colonial struggles that followed were seen as arising out of colonial consciousness rather than in the African historical consciousness that was confronted

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\* For those interested in pursuing the issue of African political systems reference is made to my book: *Africa in the New Millennium: Towards a Post-Traditional Renaissance* 2003. University of South Africa Press, from which most of the material in this paper is drawn.

with the new forces of change. Because of this approach, African historical political forces were dislocated from the real roots of African political development and ignored in favour of new forms that were superimposed on newly created colonial states that were in fact inorganic.

One of the first African scholars to address this grievous distortion of African political systems was Cheikh Anta Diop. In his book *Pre-colonial Black Africa* he tried to 'defreeze' and 'defossilize' African experience in order to show its historical role and its relevance in the new situation. Diop began a long battle, together with African-American scholars, to relocate Egypt within the Black African world from which the 'Aryan Model' and the theories of eighteenth- and nineteenth-century European racial scientists had detached it. Only from these roots, it turned out, could the history of the European State systems as well as their political institutions be understood.

Quoting extensively from the work of the French scholar Fustel de Coulanges, who studied the 'Ancient City', Diop was able to demonstrate that the very concept of state as a 'territory' comprising several cities, or that of 'empire' and its organisation, came from the African-Egyptian political experience. He recorded institutions that had developed in Africa before they were replicated in Europe. This discovery became even clearer when anthropologists studying African social systems stumbled upon the fact that African religions had a lot to do with concepts and ideas of African political power and that it was this which enabled Fustel de Coulanges to understand the 'Ancient City,' including the European ones. According to Blandier (1967):

This development can be explained in part by the progress of anthropology, which involved the recognition of 'other' political forms, and the diversification of political science, which has been forced to interpret the new political aspects of political society in the socialist countries and in the ex-colonial countries.

pp 120-23

Blandier argued that there was a need for political anthropology to 're-examine with greater precision the problem of the origin, characteristics and the forms of the primitive state' with a view to understanding later forms and institutions. He further added that 'most of this work has been done in the field of Africanist studies through which a more dynamic anthropological theory is developing'.

This approach was an attempt to reverse the 'mirror' images that functionalist anthropology implied. This is what necessitated the invention of 'primitive' society in order to understand and define the Western identity. The new approach emphasised a correct historical understanding of these societies and it is from this position that the links between African religions and political power were established. Through this orientation it became possible to realise that 'even in the so-called complex societies, possessing hierarchies and clearly differentiated

authorities, the relations between political power and religion are not radically altered' (Blandier, p 109).

The most important lesson to be learnt from African political experience, which the evolutionary and structural approaches could not capture, was the diversity and variability of the forms of social political organisation of African political systems at each stage of development of the state. It is now widely accepted that the assumption of the existence of universal stages of development of differentiation, together with the concomitant manifestation of similar institutional qualities, has tended to minimise the importance of certain factors in the internal structures of certain polities. The variations at each stage have been perceived as secondary to the major characteristics of the overall stage (Eisenstadt, Abitbol and Chazan 1988, p 4).

There are examples in different parts of Africa which show major breakthroughs of advancement from acephalous societies and chieftainships to early state formations and from early state formations to fully-fledged states. But because their development did not follow a linear progression, these breakthroughs did not always result in identical outcomes. There have also been states, for instance ancient Egypt and Ethiopia, which were able to develop into more differentiated imperial states, whereas others such as the old states in West Africa like Ghana, Mali and Songhai did not go beyond certain rudimentary phases of state formation (Eisenstadt, Abitbol and Chazan 1988).

The realisation that some of these differences might be traced back to the so-called secondary variations that they exhibited in the earlier stages has made social scientists aware of another phenomenon of African political systems: the reversibility and irreversibility of certain state forms. This has shown the possibility of the reversibility from state forms to traditional 'stateless' forms and vice-versa under certain social and historical conditions. Although both peaceful means and conquest were used to achieve political change, the right of a group of people to separate and form new communities in which they could assert their own freedom was guaranteed in economic and social arrangements as well as in religious beliefs. These religious beliefs, backed up by concepts of mystical order on which African moral order was based, constituted the rationale for a monarchical political order but also formed the basis for its challenge.

Diop, a physicist, was ahead of his time when he drew attention to the fact that the boundary between monarchical authority and tribal clan authority was a narrow one. According to Diop, with different levels of culture many African people lived in a 'scarcely shaken or liberalised clanic organization', while those who lived in the cities and towns were detribalised. People could move from the one to the other because of this inherent right to separate and form separate communities and political forms.

We need to look deeply into the internal structures of specific polities if we are to understand their viability or solidity. The empire of Mali has been cited as a good example of the reversibility of state forms. Mali held suzerainty over most of

western Sudan from the tenth to the thirteenth centuries. When it ceased to exist, a number of political units within it such as the Mandig were able to revert to the traditional framework of the *kafu*. According to Eisenstadt, Abitbol and Chazan (1988, p 5): 'The imperial referent, and especially its political symbols, remained explicit not only in the Mandig consciousness and ideology but also in the transformation of the structural arrangements of the *kafu* according to forms derived from the imperial setting.' Ashanti has also been cited as a good example in this respect.

The above examples demonstrate that political systems have never developed in an entirely self-contained manner. People who live within the confines of a particular system were also usually organised in other ways and at different levels, of which the political system is an important example. Others include economic formations, ascriptive collectives and civilisational frameworks, structures that may change within the same society to different degrees or in different constellations (Eisenstadt, Abitbol and Chazan 1988, p 16).

In his study of pluralism in pre-colonial African societies, M G Smith, the Caribbean anthropologist, argued that the customary dichotomisation of African political systems into 'state' and 'stateless' (centralised and acephalous societies) was misplaced because it made it difficult to understand the organisation of different kinds of society and their linkages. Instead he demonstrated that by looking for differences in corporate organisation one could discover the variety of political structures that made it possible for Africans to accommodate different kinds of social organisation and social life into different kinds of polities. This was a major breakthrough for social anthropology.

One of the central aims of any examination of pre-colonial African political systems must therefore be to demonstrate why African societies were able to organise themselves so as to accommodate the very large number of diverse communities that peopled the continent. It is in fact this aspect of inquiry that gives African political systems a character of their own. It is also this aspect that reveals the secret behind their survival under different historical and social conditions. The post-colonial situation is not different from this historical experience, which proves that Africans can make and unmake their state forms and that the people of Africa, like all human beings, are truly the creators of their history.

In his famous study of African societies, *The Destruction of Black Civilization: Great Issues of Race from 4500 BC to 2000 AD* (1989), Chancellor Williams has summarised the different experiences of African political systems, to which he has given the general name African Constitution. This 'constitution' is a body of principles and practices, which he draws from the customary laws that governed black African societies from ancient times up to the time of invasions. He traces the lineage ties and corresponding responsibilities and age-set and age-grade systems as the earliest institutions through which the African constitution functioned and out of which its democracy was born. According to him, these basic elements continued right through state forms such as kingdoms and empires (Williams 1989,

pp 162-65). He believes that a majority of African states operated on the principle of acceptance of common ancestry and the construction of the lineage system as 'the powerful factor' that provided the basis and incentive for later formation of kingdoms and empires.

Out of these basic relationships Williams extrapolates some theories and principles of traditional constitutional law, and these spell out the fundamental rights of the African people. For instance, one of these principles is the right of the common people to constitute the final source of power. Then come the rights of the community of people over those of individual members, including chiefs and kings. These principles can be found scattered through the constitutions both of communities that did not accept chiefs and those of communities in kingdoms and empires (Williams 1989, pp 171-76). In the examples below, we will see how these fundamental principles were disorganised by the colonial powers.

### THE COLONIAL INTERVENTION

Like the missionaries of Christianity, who misunderstood or misinterpreted African traditional religions, the colonial administrators could also not comprehend the deep meaning behind African traditional political systems outlined above. Terence Ranger (1995, pp 247-8) comes to the same conclusion in relation to what he terms the colonial 'invention' of traditions in Africa. Oliver (1992) also demonstrated that in order to 'invent' new forms of administration, which were inconsistent with African political systems, the colonial powers, in many cases, crammed many kinds of African communities into an entity, which they then called a 'tribe' for purposes of administration. And in yet others, they broke up and segmented existing larger polities into units that they regarded as coherent 'tribes'.

Some of these entities were culled from different political arrangements that had been destabilised by the slave trade, and were then turned into 'tribes'. But many were small states whose existence went deep into prehistory. In Oliver's own words:

It was normal for such states to form in clusters of twenty or thirty, each cluster representing a common language and culture. These common features probably indicated the long residence of a nuclear population within a common environment, together with a significant degree of intermarriage between neighbouring units in a cluster.

p 148

According to him, these entities were not tribes but minute statelets, Athenian-sized polities, containing populations of between five thousand and ten thousand people. It was to these clusters that the Europeans attached the term 'tribe, meaning something more than a collection of intermarrying clans, but also something less than a nation, particularly in the lack of any overarching political institutions'.

To achieve their objectives, the colonisers needed to degrade African political systems and destroy them where they posed a real threat to their interests. The first problem arose in dealing with what turned out to be very much more sophisticated systems of traditional political power than had at first been imagined. The way this problem was handled is well illustrated by the case of the Ashanti State to which Basil Davidson (1992, pp 66-67, 70-72) has alluded.

The state of Ashanti was one of the best-organised African states on the West Coast of Africa. It was, according to David Kimble (1963, p 264), 'the nearest approximation to a modern nation that was reached independently of European influences'. Without doubt one of the most impressive aspects of Ashanti's history was the systematic development of a national ideology and the elaboration of complex social and political institutions for the management of society's affairs.

By the 1880s Ashanti was a strong power, with its involvement in the Atlantic trade paying dividends to a new emergent merchant class called the *asikafos* ('wealthy persons'). British imperial interests saw these new economic forces trying to transform their society into a modern African nation-state as a threat. In 1874 they decided, despite attempts by the Ashanti ruling classes to reach a compromise, to invade the territory and destroy its internal cohesion in preparation for turning it into a British colony. According to Davidson (1992, pp 66-67, 71) 'the whole scope for possible development into modernizing structures was stopped dead and could not be started again so long as colonial dispossession continued'. For the time being, 'all roads, in those days led to dispossession [and colonisation]'

Buganda fared better because of the collaboration of its ruling class with the British invaders against another African kingdom, the kingdom of Bunyoro. Buganda too was found by the British to be a 'special case' in relation to other kingdom states and segmentary societies in the East African region. The reason for this differentiation lay in the way the British viewed the traditional political system in Buganda when they arrived. In a rather one-sided way, and without understanding the organic links between the different elements in the African political structure, the British missionaries, who were the first to arrive in the country, formed a very high opinion of the political system they saw there. They mistakenly equated it with a knightly and feudal state on the lines of the 'Norman' feudal state in England, in contrast to many African societies they had seen.

The first representative of the British Missionary Society, Bishop Tucker, could not believe that this institution was indigenous to Buganda. In line with then prevalent anthropological views on 'primitive Government', Tucker thought the system had old links to an ancient civilisation, which was assumed to be alien to the region. Hence Buganda's ruling class was looked upon favourably by the British colonisers and, when colonial rule was established in 1893, a treaty of special relationships between the new agents and the British crown was 'negotiated'.

This was the basis of what came to be called the Uganda Agreement of 1900. The agreement put the Kabaka of Buganda under British 'protection'. It also rewarded the newly created neo-traditional Christian elite by sharing all the land

of Buganda between the British Crown and the new rulers, thereby depriving the peasants of their former rights in land under the clanic system. But contrary to these mistaken British beliefs, the traditional political system in Buganda was a combination of the ancient kinship system based on totemic clans and a more recent state administration, which the clans had created and incorporated to co-exist with the clan system under the Kabaka. In this political organisation, the articulation of solidarity, despite the horizontal hierarchies, was vested in other clan leaders, who maintained control in their areas and only sent representatives to the Lukiiko, the traditional parliament (Eisenstadt, Abitbol and Chazan 1988, pp 24, 177, 190-92).

A newly invented, neo-traditional 'Buganda Model' worked out by an administrator called Wilson was installed and was replicated in other parts of Uganda. Under the new system chieftainships and 'ministries' in the new Buganda 'kingdom' were 'allocated' according to the strengths of the new religious factions, which emerged out of the religious wars fought in Buganda between 1885 and 1899, creating an oligarchy of senior chiefs acting as a caucus. The leaders of the new religious factions became the ministers and officials of government and the Kabaka's traditional powers to appoint chiefs were reduced (Nabudere 1980). What emerged did not represent the 'traditional' Bugandan system of administration but a neo-traditional system designed to serve colonial interests. As one missionary observed in 1888:

The poor king was but a child in the hands of his (newly converted) Officers and Ministers. His time was chiefly occupied in giving his consent and approval to the distribution and division of the various chieftainships. All the posts of authority are occupied by Christians, all the land falls into their hands; even the king himself is no more their despot and murderer, but a helpless instrument in their hands.

Low 1971

Thus we can see that the later invention of 'traditional' institutions imposed by the colonial powers complicated the political arrangements on the continent. They created institutions that could not be understood by the people, and because of this the new power structures, which were created, were, in many cases, resisted. This invention of 'traditional' structures and forms was taken from inside African systems and exploited for different purposes by those who benefited from them. There were also attempts to superimpose on these new powers European monarchical forms.

As Terence Ranger has demonstrated, the invention of certain 'traditions' and 'customs' in Africa came at a time when modernisation in Europe was resorting to similar approaches. The 1870s, 1880s and 1890s proved to be fertile ground for 'a great flowering of European invented tradition' in many fields – ecclesiastical, educational, military, republican and monarchical. It was an age of imperialism. It was also the time of British colonisation of much of Africa:

There were many and complex connections between the two processes. The concept of empire was central to the process of inventing tradition within Europe itself, but the African empires came so late in the day that they demonstrate the effects rather than the causes of invented tradition. Deployed in Africa, however, the new traditions took on a peculiar character, distinguishing them from both their European and Asian imperial forms.

Ranger 1995, p 211

The 'bifurcation' of the colonial and post-colonial states, as Mamdani (1992) calls it, was therefore the necessary mechanism to bring about this colonial domination. There was nothing specifically African about it. The only part that was African was the invention of 'customary power', which, in any case, was subject to European 'morality' and 'principles of natural justice'.

The emphasis on feudal patriarchal forms of power was not accidental. Contrary to what Mamdani has argued, the idea of invented 'traditions' and customs did not spring from the phase of African conquest states and African administrative chiefs as such. They were also not a replica of the British experience in Asia, particularly India, as he has argued. On the contrary, the way tradition was 'invented' in India was also influenced by political developments in Britain that were connected with the developments of the age of imperialism globally.

While Mamdani is right in stressing the African sources of some of the 'invented' customs, he nevertheless overstates the point and draws a wrong conclusion about the influence of Asia in this respect. Moreover, he also understates the significance of the European imperial sources of 'invented' traditions and customs upon African societies (Mamdani 1992, pp 22, 38-9, 43-45). The decentralised despotism he describes was the mirror of the European invented 'tradition' of the monarchy and its consequent policy implications in the colonies of Africa and had fateful consequences, which we can see today in the crisis of postcolonial states in Africa. We have also to understand how the structures of command were created out of this heritage of European absolute despotism. The imagery of the omnipresent British monarch was, for instance, used to create in the African mind images of the patriarchal ancestor who gave advice and guidance to his people through the power of the chief and colonial administrators.

## INDIRECT RULE AND THE POST-COLONIAL EXPERIENCE

The adoption of 'indirect rule' was a mechanism used by colonial rulers to exploit some aspects of African traditional forms and practices and turn them into legal systems of governance under colonial administration. Moreover the ideology and strategy was used as a basis for the 'divide and rule' policy that was devised precisely to play on and strengthen cleavages between the created and imagined 'tribal' administrative units in order to prevent them from unifying their resistance against

the colonial state. Thus, instead of 'primitive' Africa being a 'mirror' through which Europe saw itself, in reality Europe was 'echoing' its own image through these imagined creations of colonial rule in order to dominate and exploit them.

The system of 'indirect rule' was thus devised and used precisely in those areas that had developed sophisticated traditional political systems and then the system was generally applied in new areas where hierarchies similar to those of the developed structures were present. It is not accidental that the systems selected for trial were those of Northern Nigeria in West Africa and the Kingdom of Buganda in East Africa. Lord Lugard (see Kirk-Greene (ed) 1970, p 9) developed the system first in the administration of Northern Nigeria and then transplanted it to Uganda. In 'Political Memorandum', he put forward directives for the guidance of political officers working in the field, in which he emphasised the approaches to be adopted:

The British role here is to bring to the country all gains of civilisation by applied science ... with as little interference as possible with Native customs and modes of thought. Where new ideas are to be presented to the native mind, patient explanation of the objects in view will be rewarded, and new methods may often be clothed in familiar garb. Thus the object of Vaccination and its practical results may be sufficiently obvious, while the prejudice which exists among some Moslems may perhaps be removed by pointing out that it is a preventive disease by contagion, no less than circumcision enforced by their own law.

Lugard added that the degree to which a political officer might be called upon to act in an administrative capacity would depend 'upon the influence and ability of the Native Chiefs in each part of the Province'. In normal circumstances and in every case the officer was to endeavour to rule through the 'Native Chiefs'. In districts where there was no chief a political officer's function became 'more largely administrative, and among uncivilized pagan tribes he must assume the full onus of administration to the extent to which time and opportunity permit':

In such communities he will constantly endeavour to support the authority of the Chief and encourage him to show initiative. If there is no Chief who exercises authority beyond his own village, he will encourage any village Chief of influence and character to control a group of villages, with a view to making him Chief of a district later if he shows ability for the charge.

pp 10-11

We can thus see how, within the colonial experience, roots of decentralised despotism were created as components of centralised imperial rule. The native chief was made to appear 'native' in name only. What was 'native' about 'Native Authority'? The

main duties of the chief were predetermined by the colonial order and not by tradition or custom. His 'authority' was also prescribed by the imperial order. Lord Lugard's biographer, Dame Margery Perham, has described Lugard as 'the supreme source for the study of indirect rule' in Africa, adding that he provided the system with its administrative theory and philosophy.

Lugard's political guidelines constituted the basis for strengthening native administration and hardening the concept and application of what was officially accepted as 'Native Custom'. This is because it gave directives for the institution not only of native administration but also of native courts and the administration and taxation of native lands. The conduit was the district chief who, once recruited and made a salaried servant of the colonial state, 'afforded', according to Lugard, 'a valuable means of instituting and enforcing native authority'.

These neo-traditional guidelines therefore enforced the authority of the chief to become a village tyrant since the rural community, which was not subject to colonial rule, could not challenge his authority on the spot. The chief could always interpret all actions and decisions he made as being under the authority of the 'tradition' and 'custom' of the people he ruled. But this was never the case, since colonial law backed him and the customs were defined as 'law', which they were not.

Thus, within the colonial despotism of 'customary' rule, had already emerged a despotic and autocratic post-colonial order. This was brought about partly by the use of invented 'traditions' and customs by the African elites and chiefs to further invent their own 'traditions' and modes of behaviour, which were an imitation of European modes. This was achieved through a number of political manoeuvres on the part of these elites.

A good example of this manipulation of the traditional system by the colonialists was that of the Kingdom of Swaziland. Swaziland has been referred to as 'unique' in Africa because of the fact that its 'traditional' system has been maintained throughout the colonial and post-colonial periods. This uniqueness has to be seen in the context of the attempt of Britain and, to some extent, apartheid South Africa, to use the traditional Swazi political system for their ends.

For this reason the concept of 'tradition' used in this context had, according to Hilda Kuper (1947, p 9), to be seen, as 'something that is constantly being made'. But this process has two sides to it. In her view, in the Swazi case it became 'totally impossible to separate 'traditional' and 'western' elements in the colonial practice'. What resulted was a 'Westernisation' of Swazi tradition.

The pre-colonial political system in Swaziland was a centralised, patrilineal 'dual monarchy' in which the king ruled together with his mother. It is a system that compromised the original matriarchy and matrilineal system within the emergent patriarchy and patrilineal system. Under the system the new king was chosen indirectly when one of the several queens of the late king was chosen by the royal council to be queen mother. Once this was done, the king was automatically chosen from the line of sons of that new queen mother, with whom he must rule.

Even then the king was traditionally said to be 'ruled by the people' and by civil councillors. He was guided by two main councils, although this could be the subject of some 'invention', as we shall see below: One of these was the *Liqoqo*, the inner (privy) council which was composed originally of princes but was later enlarged to include high-ranking officials, a total of about twenty in all. The second was the *Libandla*, the council of state composed of chiefs, headmen and all adult males. The latter, however, had no right to overrule the *Liqoqo*. The king, who spoke last in the councils, tried to reconcile the views of the two institutions, both of which made decisions by consensus. Below these two councils were clan councils and extended family councils presided over by the elders of the respective clans and extended families. These decided inheritance and other minor disputes in the families and clans.

When King Sobhuza II came of age and became king he tried to 'change tactics' by adopting what came to be called 'ethnic mobilisation' in the face of British refusal to concede the return of lands. This was necessary in order to deal with the social disintegration arising from the land alienation, labour migration, and church education that attacked aspects of traditional culture. This 'tactic' was, however, not entirely the work of Sobhuza. The colonial administrator seems to have encouraged the King in this course of action in order to create a basis for 'indirect rule' in Swaziland. Sobhuza, with the support of the British colonial administrators, produced a document entitled: 'The Original Swazi Political Organisation', which outlined the institutions of the king, the queen, the *Liqoqo* and the *Libandla*, as well as the role of the chiefs.

It has been questioned whether in fact this document faithfully represented the original workings of the traditional system of Swaziland. But as it came to pass, this structure, with some modification, was made to constitute the Native Authority of Swaziland under British rule. Under it, the colonial administration had the power of dismissal over chiefs and traditional officials. Both the ruling family and the colonial government, each for different reasons, were thus using neo-traditionalism to consolidate their power and contain the rising political consciousness of the new working class from the mines, who were also influencing the dispossessed peasantry in the rural areas against the emerging order. Outstanding anthropologists such as Bronislaw Malinowski, Winfred Hoernle and Isaac Schapera supported this strategy of 'ethnic mobilization' for their own academic and ideological reasons (Daniel and Stephen 1986).

After World War II, using this partly 'invented' structure, colonial legislation was put in place to establish 'indirect rule'. The new system increased the role of the 'traditional' ruling elite that was under the control of the British colonial office and gave it the opportunity to accumulate new wealth from the new lands that were being returned to workers who made contributions to buy back the lands. Royalties from concessions and mines later supplemented these contributions.

By the time the British were prepared to grant independence to Swaziland, the Westernised neo-traditional institutions had assumed dictatorial powers. In

April 1973, the king and his council, in what was described by outsiders as a 'constitutional coup d'état' used Parliament, which the neo-traditional council dominated, to suspend the independence Constitution and hand absolute powers to the King. All parties, including the Ngwane National Liberatory Congress (NNLC), which won three seats in the parliamentary elections of 1968, and the King's own Imbokodvo National Party, which had the majority of seats, were banned and outlawed. A new attempt was made to redefine neo-traditionalism to fit the changed conditions of neo-colonialism in post-colonial Swaziland.

A constitutional commission was set up to make recommendations for a new constitution for the country. The new constitutional order which was temporarily put in place and which continued until the 1989 constitutional reform restored the colonial neo-traditional invented system and added new 'traditional' elements to it. This new system was tailored to meet the needs of the moment while reviving some of the old forms, which did not have the traditional control mechanism against the abuse of power, by the traditional royal and chiefly clans. Swaziland was declared a 'no party state' and the *Libandla* National Council was made the sole policy-making body. But the *Libandla* was no longer open to all male Swazi as was traditionally the practice. It was open only to those few who had influence and new forms of wealth and property.

To implement this new arrangement the King, in 1978, announced a new system of representation through *Tinkhundla* councils, forty of which were set up throughout the country with a number of neighbouring chiefs' councils forming one *Tinkhundla*. The chiefs were responsible for creating and controlling their local councils. The King appointed the officer in charge of a region who, in turn, appointed the chairman of the local council. The *Tinkhundla* was regarded as the advisory body to both the local chiefs and the *Libandla* National Council. Thus political freedoms were banned and made subject to the whims of the absolute king, a power that negated all the customary control mechanisms of the Swazi traditional political system.

The Swazi use of neo-traditionalism in the post-colonial period stands in sharp contrast to the way traditionalism and neo-traditionalism were adopted in the Constitution of Bechuanaland, now Botswana. Botswana, unlike the majority of African states, has not experienced a major constitutional crisis and is generally regarded as the most stable state in Africa. There are many factors behind this stability, including the existence of mineral wealth, which has been used to cement the relationships between different factions of the ruling elite. But many wealthy states, an example being Nigeria with its oil wealth, have not been stable precisely because the political institutions have not been stable in some parts of the country. The northern part of Nigeria where indirect rule was applied and the traditional institutions retained in some form has been more stable.

Most writers on Botswana, have acknowledged that one of the most important factors contributing to this stable environment was the incorporation in the country's Constitution of both traditional and modern forms of governance. Political representation was accorded to traditional chiefs in the 15-member House of Chiefs,

which has only advisory powers and is not involved in the scrutiny and crafting of legislation. Members of Parliament and the President are elected, but the existence of traditional institutions such as the *Dikgotla* and the *Dikgosi*, which act as go-between chieftaincy systems subsumed under the chiefs (some led by Cabinet ministers), has acted as a stable method of communication between the central government and the rural communities who participate in popular decision-making through the system of general assemblies.

The representation of the chiefs in the Botswana Parliament is unique in contemporary post-colonial African democratic experience 'where all that is traditional is considered archaic' and to be relegated to oblivion. Mohamed Salih (2001) has argued that although the representation of chiefs in the country's Parliament may be regarded as no more than symbolic, these institutions nevertheless have tremendous influence on the way the country is governed:

The fact that the government would seek renewal through democratic elections means that the chiefs can use their power to sway voters to withdraw their support from the government in aggrieved constituencies. This alone could explain why, although Botswana was governed by the BDP (Botswana Democratic Party) during the last 35 years, the popularity of the party fluctuated from one election to another.

pp 162-63

### THE POST-COLONIAL STATE

Benedict Anderson, in his admirable book *Imagined Communities* (1991), has described how colonial nationalism and 'nation-building' were fashioned within the colonial order by instilling nationalist ideology through the mass media, the educational system and administrative regulations, as well as the three institutions of the census, the map and the museum. He argues that despite the anti-nationalist rhetoric of the colonial rulers the lineage beneath the colonial ideologies and policies and nationalism 'become[s] decidedly more clear'.

Indeed, the whole idea of 'nation-building' was being 'administered' by the colonial offices before the granting of independence to African countries. Sir Hilton Poynton, a former administrative head of the British Colonial Office, speaking at a Cambridge symposium in 1978, reminded those assembled that the objectives of British colonial policy could be summed up in one word: 'Nation-building'.

He perceived Britain's intentions during the colonial era as being to 'build' separate 'nation-states' as the 'successors' and inheritors of colonial states in order to ensure the 'continuity' of the colonial project. For the colonial administrators, colonial constitutional reform, which, according to Dennis Austin (1964) became necessary in the wake of African nationalism, was essential to 'enable colonial rule to be [made] more effective and not to hasten its demise'.

Thus, the period 1945 to 1960 has been seen by Anthony Smith (1983) as being characterised by three main elements: territorialism, democracy and pan-Africanism. Territorialism was the culmination of the colonial boundary demarcations which had now become real and which also created a psychic identity and cultural vision of the new elites:

The state as the basis of extraction, centralized authority, autonomous institutions and monopolistic coercion was a boundary-defining unit, a body with distinct territorial focus and jurisdiction; its 'face' and 'shape' were largely determined by the fact and shape of the territory it controlled. Hence, the nature of the state spilt over into the definition of the nationalism that arose to challenge the rulers of the state. It was not the state per se that was challenged, much less its rights over a recognized territory and demarcated populations ... it was merely the right of those who controlled that territorial state that was in question.

This development created the 'nationalism' of the new African intelligentsia who were blocked from advancement. It also raised the question of who should rule the territorial-state. Since the colonial powers were at the same time dismantling the agencies of 'indirect rule' in the rural areas, this created a double nationalism. On the one hand, there were the new political elites who wanted to assume the colonial territorial power in order to move to 'independence', on the other, there were the former 'traditional' rulers who aspired to take over the colonial state on the basis that they were the legitimate traditional rulers. The instrument the political elites adopted in this process was the creation of 'national political parties', which, in many cases, were replicas of the metropolitan political parties, sometimes imitating their ideological orientations and programs. Early political organisations such as the Convention Peoples Party in Ghana sought to centralise the state and inherit the instruments of coercive power immediately after independence. At the same time they tried to co-opt other civic organisations such as trade unions, peasant associations and co-operative societies as 'extra-Party' institutions into the mainstream political parties. This is what was called the national democratic movement.

Thus, Benedict Anderson is correct to define the nation as an 'imagined political community':

It is imagined because the members of even the smallest nation will never know most of their fellow members, meet them, or even hear of them, yet in the minds of each lives the image of their communion.

p 6

Anderson quotes Gellner (1983, pp 1-7), who states on a similar point, 'Nationalism is not the awakening of nations to self-consciousness: it invents nations where they do not exist.'

What the African nationalists were doing in harmonising and mobilising 'popular participation was therefore one of the processes of imagining the existence of a community which had to be inserted into the territorial nation' (Anderson 1991, p 6).

But Gellner points to an important peculiarity of Africa nationalism, which has come to symbolise one of the fundamental pillars of its failures. He argues that, unlike Islam, which 'allows the use of pre-industrial great tradition of a clerisy as the national, socially pervasive idiom and belief of a new-style community', many nationalisms of sub-Saharan Africa 'are interesting in that they exemplify the opposite extreme. According to him 'they neither perpetuate nor invent a local high culture . . . nor do they often elevate an erstwhile native culture into a new, politically sanctioned literate culture, as European nationalisms had often done'. Instead, the political elites have persisted in using an *alien* European high culture as a basis of their rule:

Sub-Saharan Africa is one of the best, and certainly the most extensive, testing grounds for the attribution of great power to the principle of nationalism, which requires ethnic and political boundaries to converge. Sub-Saharan political boundaries defy this principle almost without exception. Black Africa has inherited from the colonial period a set of frontiers drawn up in total disregard (and generally without the slightest knowledge) of the local cultural ethnic borders. . . . The efforts either to replace the use of European languages as the state administrative medium, or to adjust inter-state boundaries so as to respect ethnicity, have been weak and infrequent. What is the explanation? Is nationalism not a force in black Africa after all?

Gellner 1983, pp 9, 81

Thus, the political elites have not even tried to create the high culture that is a prerequisite for authentic nation building but have continued to play an objective role as upholders of the post-colonial state project in which the state was reformed by the colonisers before their departure to carry out new tasks in the new global conditions under multilateral imperialism<sup>1</sup>. Crawford Young (1988, p 5) is therefore right in stating that the crisis of the post-colonial state has its origins, in part, in the characteristics of the colonial state itself.

He notes that these states had certain 'particularities'. Firstly, their territoriality was ambiguous in that the newly defined frontiers were a dramatic change from most pre-colonial political arrangements. According to him, this has paradoxically 'proved to be one of the most enduring impact[s] of the colonial rule'. The territorial unit became the basis of the anti-colonial struggle. It also became the structure

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1. For a proper understanding of the concept of multilateral imperialism, see Nabudere 1977, chapter four.

through which the nationalist leadership sought to legitimise and secure the state, which they wanted to create as embodying the sanctity of their 'nationality'. This became a basic premise of African international law, entrenched in the OAU charter.

Secondly, there is the application of the doctrine of state sovereignty as advocated by Burke as opposed to the concept of popular sovereignty advocated by Rousseau. The doctrine of state sovereignty originated in the concept of conquest which, in European occasional treaties of conquest, laid claim to full sovereign prerogatives to the colony of the colonial powers in the late colonisation period under which Africa was colonised. The doctrine, which was applied to African domains, became the ideological justification for a number of sweeping measures adopted by colonialists over African people and their resources, such as land. This gave the colonialists the application of the axiomatic derivative of sovereignty that the state holds ultimate proprietary rights over land and the wealth below it and above it. For this reason, the colonisers conceded only a derivative territorial personality, and not a national one, through which the colonised were 'invited to share a subordinate affective tie to the imperial centre' (Young 1988, p 6).

Thirdly, and following on the above, the colonial legal order became a hybrid construction. While insisting on the ascendancy of its law, the colonial state did not (and could not) enforce a comprehensive legal monopoly:

The colonial legal order confined its demands for exclusivity to economic and social spheres covering activity of the external estate of European and other immigrants, and to criminal offences that were deemed, directly or indirectly, to affect colonial peace.

Young 1988, p 5

Those legal areas that had no impact on the colonial realm because they only concerned the subject populace could be treated in African jurisdictions by customary law. In these areas the ultimate hegemony of the colonial state could be enforced by tutelage and monitoring of the African courts, whose verdicts were subject to review, and whose personnel subject to screening by the colonial state.

Fourthly, by the time tropical Africa came to be colonised, the imperial state was already an over-developed liberal state. It had relatively well-developed professional bureaucracies with greater resources, it had permanent military forces well equipped with imposing weaponry and doctrines dealing with the scope and range of state action both at home and in the colonies which went beyond those of an earlier age.

Finally, Africa's colonial state-building venture had a more comprehensive cultural component than was the case in Asia or the Middle East, with the possible exception of the New World, where enslaved Africans were colonised within the borders of a dominant European cultural world. This cultural component incorporated racist ideas, which were much more comprehensively elaborated than they had been with the earlier colonies in Asia. They also carried along the invention

of traditions, which bolstered the colonial state and which the post-colonial state imitated.

### THE NEED TO RE-IMAGINE THE AFRICAN STATE

The above analysis suggests that Africa needs to redefine its political institutions to take account of their cultural heritage. It is not enough to imitate colonial and European political systems suitable for different economic and social conditions.

#### *Somalia*

The collapse of the state in Somalia has revealed that the post-colonial state is not a viable unit of African governance. Indeed, some of the elements appearing in its reconstitution in the northern part of the country, called Somaliland, go to prove the viability of some of the African political forms.

According to the study by A Y Farah, the traditional *Guurti* system has re-emerged here as the highest level of the councils of elders. The councils are headed by clan leaders and elders representing the lineages of the clans. The important points of cleavage in this structure are the 'clan-family', the 'clan', and the 'primary lineages' as well as the '*dia*-paying groups'. The latter are the most stable political units because they guarantee security of property and person. It is this that has enhanced once again the agnatic principle that binds together close kinsmen in this form of corporate group with the collective obligation to pay and receive blood compensation – *dia* – as part of conflict control, management and resolution. This goes to prove the arguments advanced by Chancellor Williams referred to above.

The study showed that though this fluid segmentary social system was susceptible to manipulation by adventurist, militaristic and reckless personalities it was nevertheless capable of placing each and every kinsman in *dia*-paying lineage where the individual's basic rights were guaranteed and his/her obligations defined. In this line of political arrangement, a significant number of the elders who represent the lineages of the clans in the *Guurti* are also the representatives of the *dia*-paying groups. *Akils* or local authorities of the *Guurti* attend to internal affairs of the groups and represent them in inter-clan meetings as well as regional and national peace conferences and on other matters of wider interest to the groups.

But this is merely an adaptation of the kinship system whose memory has remained deep in the oral and dynamic culture of the Somali people. The principle has been adapted to the new socio-economic conditions. The new *Guurti* of the clans are commonly urban-based townsmen who are nevertheless dominated by their respective kinship groups. They are tied to their rural kinsmen by agnatic bonds and common treaty. They also own livestock in their rural home areas. It is this common economic interest that enhances the social ties between the two groups (urban and rural). In the words of the study:

The *Guurti* play a central role in the peace process, which harnesses the services of the sacred authorities of the religious leaders and persuasive power of the distinguished poets. Perhaps linked to the natural demographic growth, our study found that political offices had proliferated among the clans in the study area. Most probably, this was also fostered by the need of the clans and sub-clans to assert independence in a situation of turmoil and uncertainty with an explicit tendency to search for solutions in traditional lineage structure, given the absence of effective modern law and order.

These traditional lineage structures had re-emerged over the past thirty years. This means that even before the overthrow of the Saayid Barre regime these structures had been resurrected as a response to the crisis of modernity in Somalia. The study states: 'Today, as in the past, they deliberate policy and take decisions for these groups at extremely democratic meetings in which now, as before, oratory and poetry play important political roles.' This enables us to draw a comparison with the observation made by the two British anthropologists Fortes and Evans-Pritchard, cited above, who noted that centralised authority and administrative organisation in traditional African society seemed to be designed to accommodate culturally diverse groups within a single political system. The anthropologists also noted that centralised forms of government were also to be found among homogeneous cultures with little economic differentiation. From this they concluded that 'a centralised form of government is not necessary to enable different groups of closely related culture pursuing the same mode of livelihood to amalgamate'.

This seems to confirm the Somali situation and would appear to explain the easy collapse of the centralised state that was not based on the traditional principle of accommodation of diverse groups. It also confirms Cheick Anta Diop's observation that a movement from rural 'tribalised' forms to detribalised urban forms and vice-versa has historically characterised the African monarchical arrangements of the past. He notes that where 'detribalisation' had taken hold in towns 'a return to the past was out of the question'. Individuals would, in such cases, be bound together by social bonds. He adds: 'But where clanic organisation still predominated, where the social limits were still determined by the territory of the clan or tribe, there would be a sort of turning inward, an evolution in reverse, a retribalisation reinforced by the new climate of insecurity' (Diop 1974, p 74).

In such a situation, according to Diop, collective life again took precedence over individual life. But such turning back did not mean a total return to the past: 'They were not without the after-effects of the earlier imperial epoch. They were already developed and complex. That is why ethnologists, to their immense surprise, but without exception, always discover in them traditions that do not correspond to this stage of social organisation, but more advanced, they do not often hesitate to attribute this to a phenomenon of degeneration.' This is correct and the fact needs further study by African scholars.

## *Ethiopia*

The case of Ethiopian recognition of ethnicity is another kettle of fish. In fact it is a sophisticated example of the practice of neo-tribalism on a grand constitutional scale. The disintegration of the Ethiopian Empire is being managed in a manner that may heighten rather than diminish ethnic tensions. The semi-feudal domination of Ethiopia by the Amhara nationality led to the uprising of other nationalities in Eritrea, Ogaden (Somalia), Tigray and Oromo. In 1974 the Ethiopian army, led by Mengistu Haile Mariam, overthrew the Haile Selassie regime and imposed a Marxist-Leninist regime. The Tigray People's Liberation Front (TPLF), with their allies from different ethnic and satellite groups, formed the Ethiopian Peoples Revolutionary Democratic Front (EPRDF), which took power after the overthrow of the Mengistu regime through a people's war.

Because of this ethnic element EPRDF found that it could only survive if it recognised, at least formally, the rights of the different 'nationalities' to self-determination. This became essential, especially after the new EPRDF regime granted Eritrea the right to secede after a referendum was held in that part of the country and this resulted in Eritrea becoming an independent nation-state. In order to appear to recognise the same right for the other 'nations', 'nationalities' and 'peoples', the EPRDF government introduced a new Constitution in 1993.

Article 39 of the Constitution granted: 'Every nation, nationality and people in Ethiopia the right to full measure of self-government in the territory that it inhabits and to equitable representation in regional and national affairs.' Article 39(1) went a step further by granting 'nations, nationalities and peoples the unconditional right to self-determination, including (the right) to secession'. But it soon became apparent that this 'unconditional right' was in fact conditional. For a 'nation', 'nationality' or 'people' to exercise that right, the ethnic-based regional parliament must first approve the proposal by a two-thirds majority and submit it for ratification by a majority vote of the region's population in a referendum. This is fine, except that other provisions make it almost impossible to exercise this right.

The problem is that the whole constitutional arrangement is based on the idea that EPRDF has to remain in power if these rights are to be exercised at all. This is because the other parts of the Constitution are written in such a way as to make it impossible for EPRDF ever to lose power and to ensure that it is in a position to manipulate those parts of the Constitution, which make it possible for any part of the country to secede. There is, therefore, no guarantee that under the EPRDF government any 'nationality' can, in fact, secede.

Article 50, for instance, provides for a federal structure of government for the whole country, yet article 61 removes the power of the people to elect this federal government. Under the provisions of this article, it is members of the state council in each region who have the power to elect the federal council. Article 61(1) gives the state councils the option to decide whether the people should elect federal councils! In short, the Constitution does not enfranchise the population and the

effect is that the state councils can only involve the 'people' in such elections if they are sure they have been manipulated to vote for particular candidates who are acceptable to the EPRDF.

Similarly, the Constitution declares it to be 'anti-democratic' for any democratic opposition party or opposition group to adopt any constitution abolishing 'the supreme organ of state authority' which the EPRDF dominates. Thus the 'supreme organ of state authority' has the last word on whether people shall be allowed to exercise their fundamental right to vote for an arrangement that is acceptable to them. Such right can only be exercised with the approval of EPRDF political structures. This is, to say the least, a disguised centralised one-party state under the guise of granting the Ethiopian people their right to self-determination.

Thus, although the Constitution gives the impression that it empowers the different ethnic communities to decide their future through a democratic vote, it in fact gives the EPRDF powers to limit the number of ethnic groups that may exist in the country. Although the Constitution provides for the recognition of the *kilil* system, which allows the establishment of 'self-governing regions on the basis of nationality', the EPRDF has reduced the number of ethnic regional groups from 90 to a mere nine recognised regions. Regions 7, 8, 9, 10 and 11 have been regrouped into one ethnic region called the Southern Ethiopian People's Administrative Region (SEPAR).

The fact that this has been done administratively, without the democratic involvement of these 'nationalities' and 'peoples' and that this decision was made by the ethnic satellite groups allied to the EPRDF and not by all the ethnic groups shows how easily the Constitution can be manipulated to suit the wishes of the ruling political elite in the EPRDF. The Constitution does not therefore, as it so proudly proclaims, give the people of Ethiopia the 'right to self-determination', it merely disguises the one-party character of the EPRDF and its allies. Indeed, the *kilils* are themselves dominated by member organisations linked to the EPRDF, whose main partner is the TPLF.

The right to secede is made even more tenuous by the fact that article 40 of the new Constitution gives the power of land ownership to the 'state and the people of Ethiopia' throughout Ethiopia! Even then, the Constitution does not provide for the regional state councils to formulate and / or implement their own development strategies, including the use of their lands. This in effect establishes a policy of state ownership and control of all land in Ethiopia. In such a situation it is not worth talking about the ability of different 'nationalities' and 'peoples' to secede from Ethiopia.

Marina Ottaway (1993) has correctly called this system the 'official politics of manipulated ethnicity'. It does not in effect amount to recognition of the rights of ethnic communities to exercise any 'rights of self-determination'. On the contrary, as Ottaway observes, the system has condemned Ethiopia to continued authoritarianism and disintegration. Ethiopia thus offers a lesson on how the ethnic conflict should not be managed by countries pursuing democratisation.

By contrast with the gimmicks of the EPRDF, Ethiopia has a rich political heritage. According to Mekuria Bulcha, in Oromo, under the *Gada* system the individual citizen has the right to elect and be elected to political office. The authority of those in office is based on the will of the people to whom they are held accountable. According to him this system in the past prevented power from becoming absolute by creating a complex system of checks and balances. The opposition was an integral and institutionalised element of the *Gada* system. Opposition was not only tolerated but also encouraged.

Although in the old imperial order of Ethiopia the Oromo elites were assimilated into the Abyssinian culture, the bulk of the Oromo pastoralists and peasants, who constitute more than 90 percent of the Oromo population, remained, by and large, unaffected by this assimilation. They retained their culture and ways of life. Therefore the Oromo egalitarian values and ethos, including much of the knowledge and practices of their old democratic political system of the *Gada*, have survived up to the present because of this recognition of diversity in the old order. This survival of the old Oromo tradition has also begun to influence the Oromo intellectuals of today as they have universally come to accept it. These Oromo democratic traditions are a force for unity in the new democratic struggles for a free and independent Oromia within or outside the present day Ethiopian state.

### *South Africa*

The South African government has adopted a conciliatory position with regard to traditional political institutions. According to chapter 12 of the South African Constitution, status and role is granted to traditional leadership according to 'customary law'. The Constitution mandates the establishment of houses of traditional leaders through national or provincial legislation. Provincial houses of traditional leaders have been established in all six provinces where traditional leaders are to be found. At the national level, the National Houses of Traditional Leaders was established in April 1997 in terms of legislation passed by Parliament. Under the legislation, each provincial house of traditional leaders nominated three members to be represented in the national house, which elected its own officials.

The National House of Traditional Leaders advises the national government on the role of traditional leaders and on customary law matters. It also has the power to conduct its own investigations into certain matters and to advise the President on request. In the administration, the Chief Directorate for Traditional Affairs is mandated to give support to traditional leadership and institutions. The directorate is responsible for formulating policy relating to the institutions, determining remuneration to the leaders and assisting in the capacity building and the creation of databases for the institutions.

It is still to be assessed how influential these institutions are within the body politic of South Africa. Tentative evidence seems to confirm their importance in building political consensus in the country as well as the maintenance of peace in

the communities. These efforts are, however, affected when the political elites resort to neo-traditional politics to advance their own interests. This has happened on a number of occasions in KwaZulu-Natal.

### CONCLUSION AND PROPOSAL

If a real African renaissance is to become a reality, and not an illusion, the African masses must be placed at the very heart of the movement for Africa's rebirth and not at its margins. Elite nationalism has been seen to be a replica of European state formation. The African genius remains untapped. The real issue now is how this African genius can be brought in the forefront of the renaissance. President Mbeki of South Africa has been the main spokesman for the idea of the African renaissance and Castells (2000, pp 121-26) believes that South Africa could be the hope for turning the continent around. Mbeki (1998b) believes that Africa can build on its rich heritage to bring about a 'rebirth' and a reawakening of the African people, but he also believes that Africa has to move towards creating both sustainable democracies and sustainable economies in the new global context.

The theory is fine, but the crux of the matter will be how the post-colonial leadership can re-energise the African people so that they can champion this renaissance while they continue to act as oppressors. This will require a new African leadership, re-educated in the cultures of the African people. Unless they are able to 'go to the source' of the heritage, as Cabral argued, such a renaissance can only be on other peoples' terms.

One of the most serious problems facing Africa today is the fact that the post-colonial states cannot sustain themselves and one of the factors undermining their cohesion is the fragmentation created by two diametrically opposed tendencies. On the one hand there is the neo-tribal 'divide and rule' political game that African elites have inherited from the colonial rulers and which they have resorted to in order to maintain themselves in power. The second is the division of the continent according to the colonial territorial principle alluded to by Crawford Young. This complicates ethnic divisions, which arise out of mass dissatisfaction with the performance of the post-colonial states and demand equality or sometimes autonomy or separation, as we have seen above.

Eriksen (1996, pp 40-41) suggests three 'options' to contain the disintegration that emerges from heightened ethnic consciousness arising out of exclusion and marginalisation. He believes the nation-state inspires ethnic conflict insofar as the political unit also contains people who do not identify with the cultural group represented by the state. In circumstances where there is a lack of fit between ideology and social reality, the state has three main options – 'assimilation, domination and multiculturalism'. Eriksen argues that the first two 'options' are unworkable and that the third is only workable if African political elites can transcend nationalist ideology through the state and instead adopt an ideology of 'multiculturalism' in which 'citizenship does not have to imply a particular cultural

identity'. Alternatively, he recommends a 'decentralized federal model with a high degree of local autonomy' for dissenting ethnic groups (p 44).

This option recognises historical differences and culturally determined realities. It also recognises what nationalism promises but does not deliver, namely, equality of all peoples and guarantees of their cultural rights within the nation-state. The alternative of a federal or confederal structure of power-sharing conforms to the nationalist promise of the right of self-determination.

Eriksen acknowledges that this solution is not a simple one because both federalism and multiculturalism, which seem to be the better options, 'imply continuous negation and an open political discourse'. He believes this is the only solution 'if the evils of ethnic domination are to be avoided'. He also wants to encourage the 'segmentary character of identities' at the level of the individual citizen. In fact what Eriksen here calls the 'segmentary character of identities' has long been the basis of the multiple characters of African social and political identities. The colonial understanding of Africa that regarded the African people, as having historically been boxed within 'tribal' enclaves has been proven wrong. The segmentary character of identities would also be consistent with the idea of federalism or confederalism.

In a reaction to calls after the Sirte Summit, which was held in Libya in September 1999, for an African Union government, Francis Kornegay, a Bradlow Fellow with the South African Institute of International Affairs, has called for a somewhat similar solution to the crisis of what he calls 'elite sovereignty'. According to him, national sovereignty presupposes a popular sovereignty based on shared national identity, which is not the case in the multiethnic and often regionally divided states of Africa. He therefore calls for a Pan-African parliament based on federal or confederal units, which would develop a political culture of tolerance for diversity and power sharing. This would involve distinct, geographically based ethno-linguistic and cultural regions within the current inter-African nation-state framework (Landsberg & Kornegay 2001, pp 1-3).

Tshiyembe (2000) has argued for a similar solution to the African crisis, proposing a new state model based on African traditions as the basis of a United States of Africa: 'Unless it is a new life, the concept of a United States of Africa will remain empty. Africa will not have a genuine constitutional states or sustainable development. To this end, he proposes a clear distinction between the *legal nation* – the state – and the *sociological nation* composed of ethnic groups, which he calls ethnic-nations, founded on shared language, blood ties, religion and a common history, and 'an evident desire to live together'. He argues that this is the bedrock of nationality of origin.

Tshiyembe further argues that the recognition and reinstatement of these sociological nations, to which the post-colonial states merely pay lip service politically, will prevent political manipulation of ethnicity and disputes over nationality of selected individuals or communities. He gives as his reason the fact that if multinational state were established, the law would provide that nationality

is defined by consciousness and membership of a community of shared values, while citizenship would be defined by consciousness and membership of the state in which the multination exists. In this way, the renaissance of the state can be rooted in Africanness and not in mere legal definition. He adds:

In this model of a multinational state the rights of minorities cannot be enforced against the rights of the minority. The state and the nations that make up the multinational state would have to respect the principles of equality and the right to be different, to achieve a common destiny. In return these nations would enjoy the same rights and duties based on founder rights, including the right to language, religion, culture and nationality. The issue of minority rights is without political foundation in a multinational state.

The collapse of the post-colonial states that is taking place in the Great Lakes Region could be used as a test case for reconstituting the African state by removing borders between states and recreating political entities within a bigger state in which different cultural identities and nationalities are recognised in a system of integrative federalism. This reorganisation could take the form of opening up the entire geographical area to create federated or confederated nations and states as members of the African Union so that the idea of a United States of Africa may become a reality. Should that happen the African Union could have a common continental parliament, federal government and a common defence and external policy, together with other mechanisms such as the Abuja Treaty to coordinate continental and Diasporan economic development. This will also mean that the African Union project, as well as projects such as the New Partnership for Africa's Development (NEPAD), may have to be renegotiated along the way to open them up to more ideas from grassroots communities. This is where the crux of the matter will lie, because the process will have to be innovative in order to solve the conflicts. The idea of opening up the territorial space is to permit the different ethnic communities and other 'stakeholders' to renegotiate their identities, which can open up areas of dialogue about the kinds of political arrangements they wish to see.

This will remove the Tutsi-Hutu polarisation and other ethnic factors since different kinds of other identities will come into the picture. It will also permit emergent civil society organisations, community-based organisations, women's organisations, youth organisations, professional organisations and others to renegotiate different kinds of links that could result in a consensual resolution to the conflicts. Already there are indications that this is the route that civil society in the Horn of Africa is considering. For instance, there is a proposal being put forward by the Centre for Africa and the Diaspora, based at the University of South Florida, that the countries of the Horn – Djibouti, Eritrea, Ethiopia and Somalia – should be united in a confederation of states. Although there are indications that the US State Department is behind the idea, it is nevertheless a good one.

Therefore the involvement of civil society and the communities in any political dispensation is the way to proceed. The process should be democratic if it is to be meaningful and should be transformed from a top-down imposition to a bottom-up consensual process. It will redefine the role of the African state and give the people an opportunity to reorganise the states taking into account their cultures, cultural heritages and the new identities which will manifest themselves. But this must be a democratic and consensual process in which all the communities and social groups and forces play a part.

This is why the role of countries like South Africa, Nigeria, Tanzania, Egypt, Libya and others may be crucial. The involvement of the SANDF in Burundi should therefore not be seen as a short-term engagement but as part of the process of creating confidence and trust that can lead to the opening up of hearts and minds to alternative ways of imagining the state in Africa. In the meantime, all efforts should be focused on grassroots communities, building trust and confidence through learning, dialogue and cross-border activities that link communities across the porous borders. This could be the first step in building up structures and inspirations for reconciliation through an overall renegotiated regional and continental political dispensation. \*\*

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