

GOVERNANCE PROFILES



**An assessment of governance
in Africa based on players'
tangible experiences**

Paper No. 2007-02

Governance profiles

**An assessment of governance in Africa
based on players' tangible experiences**

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The Alliance for Rebuilding Governance in Africa

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Preface

In November 2003, following a process that formed part of the "Dialogue Network on Governance in Africa: Decentralisation and Regional Integration", the Alliance for Rebuilding Governance in Africa published a pamphlet of proposals entitled "Changing Africa: fifteen proposals for getting started". Our working methodology placed players and their experiences at the heart of the matter.

The Network, and later the Alliance, provided a vehicle for asserting a firm conviction and expressing an ambition. Given the dramatic crisis of public action in Africa, several African players from various countries and sectors of public life decided, in September 2000, to create a pan-African public arena to consider and propose ways of drawing up the principles and practices of a mode of governance adapted to Africa and the challenges of the 21st century.

At that time, our assessment was based on the failure of the African nation-state as constructed at the time of independence. Such a state no longer met the requirements of the population because it did not know how to listen, understand or make sense of them. The post-colonial state weakened the rules of tradition without replacing them with new, legitimate ones.

Faced with this crisis and the need to rebuild governance, many local initiatives were set up, but because there were no bridges built between them or any haven for independent thinking, our continent remains in the grip of international standards that have been applied indiscriminately and is subjected to the requirements of international aid.

We are aware that Africa has enormous potential and must find its own mode of governance. In our view, we need to change current thinking and behaviour and come up with new models. We would like our initiative to explore new possibilities and propose serious alternatives in order to bring about qualitative, sustainable change. Africans must draw on their diversity to find new proposals based on the experience of local players.

Our aim is to make proposals based on the experiences of players from different socio-professional backgrounds. **We consider that each player has "expert" knowledge of their own situation, and deserves to be listened to on those grounds alone.** That is why the Network has drawn on the experiences shared by players from different backgrounds. These are not abstract ideas, but rather a melting pot of critical points of view and personal experience.

All of this has shown us that there is an urgent need to rethink governance and restructure the arena for public action in Africa.

These experiences were collected in an initial pamphlet of proposals, prepared during two conferences in Bamako in July 2001 and Ouagadougou in August 2003. This publication gave us the opportunity to set out the full breadth of our vision. The Alliance is now of the view that the materials which served as the basis for the proposals should be published.

This document aims to present the main experiences that contributed to our proposals. It

is an **assessment of governance in Africa based on players' tangible experiences**. That is why each theme is assessed in terms of limitations, failures and possibilities, and is illustrated by at least two sample accounts contrasting the viewpoints of players from different backgrounds, where possible.

We hope that, once you have finished reading, you will share our conviction that, in order to deal with the global governance crisis, Africa must lend an ear to the specific questions of its citizens in order to find its own answers.



Ousmane Sy

Member of the initiative group and
coordinator of the Alliance for Rebuilding
Governance in Africa

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African societies in crisis

Africa has undergone profound changes to its economic, political and social environment. Almost all states have begun a process of democratization that is supported or upheld by policies of disengagement and decentralisation of varying degrees of clarity. Multi-party systems are emerging here and there, alongside a civil society which is trying to establish its role as an important regulator of the process of social transformation. At regional and subregional level, efforts are being made to promote integration, although they are far from factoring in the complementarity of states or the secular relations of exchange that pre-date the frontiers inherited from colonisation. Generally speaking, populations aspire to greater democracy, greater transparency, greater justice and more freedom and mobility to manage their development.

Paradoxically, these transformations are accompanied by development which is weakening African nations and the economic, social and political promotion of their citizens. Poverty is becoming endemic, inexorably destroying the social fabric, given the continuing insecurity it engenders for the economic situation of men, women and young people, parallel to

the amplifying effects it has on the exodus and influx of rural populations to urban zones. Economic crisis and assertions of identity provide ideal conditions for conflict almost everywhere in Africa. Everywhere, the Administration seems to have given up on its public service mission. The persistence and even deterioration of these phenomena, after nearly four decades of independence, point to a profound crisis of public action and cast doubt on the relationship between the state and society.

Inappropriate global governance

Current mechanisms for global regulation have now become obsolete. The crisis of governance in Africa is not isolated. It is part of a bigger picture in which the dynamics of political, social and economic recomposition caused by globalisation are not being compensated with new mechanisms for global regulation to manage a "conversation" that is not based solely on economic criteria. It is as if the world were on a driverless train careering down the track. The world is racing forward without knowing where it is going or at what pace.

The predominance of economic relations over socio-political relations leads to exclusion and marginalisation. In all fields, whether scientific, technological or economic, humankind has never had such power to change its condition. At the same time, humankind has never known such poverty and suffering. Despite the dismantling of the Eastern bloc, poles of tension are mushrooming all over the world. Poverty is reaching critical proportions in the south and even some sectors of the population in rich countries are affected. The gap between north and south countries is widening. Despite serious environmental damage, however, the world is still able to take unanimous decisions to reduce pollution. The market triumphs, and, by extension, multinationals call the shots in politics and have increasing influence over the allocation of national and international resources. Everywhere, a minority monopolises these resources.

Imbalances in international relations mean that southern countries are always struggling to catch up with the latest development model promulgated by the North. They are subjugated to the market of global ideas. In 1960, emancipation was the buzzword. In the 1970s, there was still reference to developing countries, and restructuring policies were introduced in the 1980s. What is remarkable is the continued downward revision of political objectives. And today, we talk insipidly of "fighting poverty".

The need to rebuild governance in Africa

While it is obvious that the crisis of public action is a global one, it takes specific forms in Africa. The nation-state is in crisis in Africa, both in terms of its sociological foundations (territory, population, economic and socio-cultural systems) and its forms (structures and institutions). The post-colonial state undermined our traditional mechanisms of regulation without creating a new form of legitimacy. The state does not address the needs of the population and does not know how to listen, understand, or involve them in decisions. The sole aim of public elites is self-perpetuation.

This is a multi-dimensional crisis which goes beyond the authority of the state and encompasses a broader public arena: the state, civil society and the private sector. There is a need to challenge the structures, processes and institutions around which our societies are organised, and which determine methods for sharing power, distributing public resources, and reconciling differing individual and group interests. It is in this sense that we may talk of a crisis of governance in Africa.

The need for a broader concept than that provided for by the rules of “good governance”

The word “governance” — “good governance”, in fact — emerged in the early 80s, in the wake of structural adjustment policies. It was initially used by development institutions, such as the World Bank, to question governments about aspects of their management of public affairs, and to broach some thorny issues regarding the transparent use of public resources, democracy, human rights and so on. The governments of third world countries were allowed to believe in the illusion of their “national sovereignty” while models for economic, political and social development were imposed on them without any regard for the capacity of national players (the state, the private sector, political parties, civil society and so on) to appropriate them and translate them into positive and sustainable change in citizens' everyday lives.

The concept of governance discussed within this Network is based on a broader, more dynamic understanding which is, above all, more firmly rooted in national and regional social dynamics.

IMBALANCES IN
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Thus it is not confined to the set of rules of “good governance” recommended by the Bretton Woods institutions. The idea is not to produce models, but to understand and control the processes by which a society develops an ability to influence its own condition while managing to meet the needs of its citizens and safeguard the interests of future generations. The implicit need for populations to take responsibility and participate presupposes a decentralised vision of power whereby local authorities have greater legitimacy within national and regional arenas focused on forging links between territories and promoting cross-border continuity. This vision of governance, at the crossroads between territories and various groups of social players, outlines a public arena that goes beyond the state and involves all social strata (farmers, private entrepreneurs, young people's or women's organisations, media leaders, artists etc.). Africa is being swept along in a global movement of social, political and economic transformation that it cannot comprehend, control or harness to help it out of under-development; rather, it is becoming further entrenched in insecurity and poverty.

On the need to create pan-African public arenas for dialogue

The initiative of the Network, which became the Alliance for Rebuilding Governance in Africa, was the result of a theory supported by African and players from the north, which posits that under-development in Africa is mainly due to the fact that governance practices are at odds with the demands of contemporary national and international society. Therefore, any strategy for bringing Africa out of crisis cannot be successful unless governance is rebuilt in Africa. This would help to create and run pan-African public arenas for reflection and proposals for establishing principles and practices of a governance adapted to the African situation and the challenges of the 21st century.

Such an approach places great faith in Africa's ability to rediscover forms of governance that address issues common to all societies even though they are of a specific nature. Rather than a knee-jerk reaction based on identity and withdrawal into isolation, the partners who take part in this alliance aspire to be local citizens, rooted in their culture and territory, citizens of Africa, and citizens of the world.

Challenges for Africa

The Alliance for Rebuilding Governance in Africa works on the basis of a hands-on methodology that incorporates the views of all social players. It is not an academic debate about governance. It is a long-term project, but it addresses the immediate challenge and is rooted in the debates, conflicts and crises affecting our societies. For society (that is, players in the public arena), there is a need for mutual acceptance, respect and dialogue in order to get to the bottom of certain issues, formulate and resolve them. However, building and consolidating public arenas for regulation and civil responsibility between territories and diverse groups of players inevitably leads to whole series of problems of interaction. Power-sharing and the distribution of resources are the key issues at stake.

Types of problems

Overall, problems can be analysed at three levels: between leaders and those being governed; the mode of civil participation; and the relationship between players at various territorial levels.

- Governance is problematic in terms of the relationship between leaders and those being governed

The relationship between leaders and those being governed is partly defined by the legitimacy of public action, which is the most visible aspect of governance and is manifest in the crisis of the state. There is a clear lack of transparent, democratic rules for power-sharing, as highlighted by the unilateral management of the state and a background of nepotism and various types of abuse. Corruption is rife in all sectors of society and relies on the passive, and sometimes active, collusion of civil society, which is still poorly structured in most countries. As a result, corruption weakens the rule of law because it is a violation of established rules. The multi-party system in place in some areas has done nothing to put an end to it; rather, it has sometimes given rise to other forms of corruption previously absent in African societies managed by a party state.

- Governance is problematic in terms of the participation of citizens in determining the rules by which society is organised

Participation requires citizens to be integrated in the implementation of bodies for managing power. It requires the people to be consulted periodically about the type of society that is being planned. This requirement can be analysed in terms of split responsibilities and the exchange of experience. What function does traditional leadership fulfil in our modern societies? How much importance is granted to young people in rebuilding our societies? Are

women's issues given adequate consideration in the decision-making process at local, national and regional levels?

In many countries, there is no consultation, no mechanism for participation or for the population to control power. Sometimes, individuals see nothing wrong in using public resources for personal or community purposes. This is an attitude common in many African states, national institutions, associations, NGOs and so on, and results in a clannish system of power-sharing. But it is clear that no one player can have a monopoly over power-sharing in Africa.

- Governance is problematic in terms of association between players at different regional levels

Since governance is the issue of how to organise society, managing territory is also relevant, because territory is the firm basis on which development can take place. Development only means something when it is based on a territorial entity. In that sense, governance is problematic in terms of association between local, national and regional levels. This is why development policy is propped up on the politics of deconcentration, decentralisation and regional integration.

Another important dimension of association between players is the redistribution of wealth, which is required to create centres for development with local, national and regional facilities. There is a need to split responsibilities between the various levels and share power and the common weal.

However, we must not lose sight of the fact that disputes arise wherever there are conflicting interests. Moreover, governance must set standards and establish institutions and mechanisms for regulating interests and resolving conflicts. All of these dynamics can be witnessed in the relationship between the public administration and the people, and in the perception of the development of our societies and related problems.

- *Decentralisation and regional integration: two stages in rebuilding governance in Africa*

The debate about African governance is part of a wider debate about how to redistribute responsibility now that the state is no longer considered as the sole agent of social change. Simultaneously, there is a drive towards de-concentration and decentralisation of the places in

which policy is defined and shaped, while the connection to the world market affects the rationale behind systems for production and exchange, leading to regional regrouping. In this sense, regional decentralisation and deconcentration offer a way of rebuilding the African public arena with the capacity to give rise to new forms of governance, which are more participative and better tailored to the global economy. In terms of rebuilding the state, governance plays a pivotal role in the regional decentralisation and deconcentration policies that define various territorial levels and their mode of interaction. That was the ambit of the *Dialogue Network on Governance in Africa: Decentralisation and regional Integration*, and the scope remains the same for the Alliance for Rebuilding Governance in Africa.

1st Part – Analysis of players

At the various territorial levels (local, national and regional), players are different and do not have the same relationships. A territory is never an independent entity, because although it has its own specific features, it is linked to other territories through multiple and diverse relations (both horizontally and vertically). That is why there is a need to prioritize interface and association between these different levels. Territories also have different meanings depending on context. For example, 'local' does not mean the same thing in every country. The relationship between players is marked by three types of legitimacy (traditional, religious and modern) which are combined in different ways depending on the levels of governance.

The dynamics of these relationships can be determined by relating them to each of the categories of players.

Local and inter-local levels

The local level is the smallest sphere of governance with the closest ties to the people. However, this does not mean that there is blanket consensus. The local level is an area of complex and sometimes conflictual relations. If the local level generally consists of a

homogeneous entity, in the sense that its limits are quite well defined and often correspond to a historical legitimacy widely accepted by adjacent populations, the community which inhabits it is in itself very heterogeneous. Social categories that differ in terms of income, power and social status coexist with somewhat divergent interests in terms of resources and how they are managed. In the same way, the local level is not only linked vertically to the larger-scale levels - it can maintain close ties with communities at the same level (inter-communality). In urban and rural areas, there is both a similarity and a difference between players and problems, so there is no question that the local level can be the same for these two types of space.

Community organisations (associations of farmers, women, fishermen, development associations and so on) form rich and complex relationships with the people because of their sociological basis.

Supporting NGOs assist the population thanks to the external links that they can establish at national and local levels. When NGOs develop sectoral programmes, they foster the emergence of specialised groups that introduce segmentation into the local community. In some cases, NGOs replace public players in taking responsibility for the concerns of population, and this can undermine the public arena.

The relationship between a **local authority** (elected representatives and technicians) and the people sometimes founders when the legitimacy of the elected representatives is questioned, when territorial cohesion is fragile, and when public arenas for consultation between players do not function as they should. The relationship between elected representatives and citizens is based on a relationship that is seldom political in the Western sense of the word, but is rather based on religious and family criteria, or the demagogic distribution of privileges. When seeking income to finance local development, authorities bypass the state and enter into direct contact with NGOs who have funds from northern countries, decentralised cooperation or the diaspora. The multiplicity of those involved, which is due to the variety of sources of funding, often causes problems of coherence in terms of the action that is taken, and can be a source of conflict where interests diverge.

Relations between the **state** and its citizens are usually strained. The state, which is already weak owing to its sociological basis, loses even more legitimacy by gradually disengaging with certain services that it traditionally provided. The relationship between the state and populations is unilateral, in which the state restricts its action to a vertical, controlling role. As a backlash, the population and the local authority do not receive the necessary support from the state to fulfil their mandate. This is what leads local authorities to bypass the state and seek funding elsewhere (decentralised cooperation, NGOs, diaspora etc.).

Traditional authorities (both customary and

religious) retain strong influence, particularly in rural areas. They represent a powerful social force that constitutes an alternative and is able to handle conflict and organise the life of the society according to custom or religion. The dialogue between this traditional legitimacy and new methods for local organisation demand mutual acknowledgement. This must be expressed formally in order to place value on the contributions of each legitimate player in the handling of community issues.

The **private sector**, being highly focused on the primary sector (mining, agriculture, livestock and fisheries) undeniably plays a role in structuring local level. But this influence has not yet managed to transcend pure economics. Private entrepreneurs have not yet developed a global culture of economic development, which means that they make little investment in political, social and cultural life at local level. Philanthropy, as a useful principle of local solidarity in a social marketing strategy, has little in common with the way in which private players operate. However, decentralisation gives local authorities more power to manage resources, making them more attractive to the private sector. As a result, this will gradually spur private players towards higher levels of commitment to local development.

For decades, one of the most significant demographic phenomena in terms of mobility has been the development of **diasporas**. "Diaspora" in this context means emigrants who are not living in their place of origin in the broad sense. In Africa, the specific feature of these emigrants is that they retain strong ties with their places of origin. All or part of their

family are still there, and in general they intend to return to their country of origin. This has naturally resulted in an influx of donors and emigré capitals (both national and international) to local territories. In rural areas especially, the importance of this financial influx confers immense social and political standing on the diaspora that fosters a more dynamic vision of the local territory. In areas where there is a high level of migration, the diaspora wields a great deal of influence over many community decisions. Beyond the undeniable benefits brought by these external citizens, there is a risk of extraversion in local economies that are already suffering from the liberalisation of production and the disengagement of the state. In this sense, the diaspora increases local dependence on external support, and worse, changes local production systems by contributing resources which are derived from local productivity.

National level

The dynamics operating at national level appear on the whole to reflect local realities. The same categories of institutions are seeking recomposition at national level in order to influence the macro-economic factors by which they are governed and strengthen their positions in the assisted sector. The national level has therefore become a sphere of political influence, strategic positioning and long-term transformation.

Federations of NGOs, trade unions of farmers, artisans, **socio-professional organisations** (corporations, chambers of commerce and so on) and **pressure groups** are organised at national level. These players are groups and federations of local players, so in a sense, the local is projected onto the national. NGOs and groups of NGOs at national level have close ties with donors and are thus in a strong position to take on the state. Relations with public authorities are not helped by the fact that there are no true organised arenas for consultation. But even if the role of NGO mediation is somewhat distorted, these organisations can still voice local concerns at state level. Organisations representing socio-professional interests, farming organisations in particular, increase the opportunity for dialogue between the state and society and ensure that the different interests of local players are better taken into account.

Government and Parliamentary action is a national specific, even when it has local impact. In this case, it is the national level that is being projected onto the local level. The relations between these institutions and society typify the stage of democratisation and the extent of the rule of law in the country. But, as a general rule, political life depends not so much on a debate of ideas and social projects as on personal allegiance, whether based on ethnic origin, family, region or the demagogic distribution of privileges). In some countries, the involvement of citizens in political life is countered by the lack of legitimacy of leaders, which in turn is linked to inefficient public action, the problem of being heard, and the unwillingness of many leaders to act in the public interest (corruption, arbitrariness). Many do not identify with political parties even though some are

capable of taking action to instigate change should the situation become unbearable. The political sphere relies on a public arena of debate that has been set up very differently in each country. This construction often fails to take account of the dynamics at play at local level. The problem lies in the capacity of the local to project itself onto the national. This arena of debate determines the capacity of the state to define and implement the regulations society needs.

The culture of public service is generally deficient at **administrative** level. Being a civil servant is often perceived as a superior social position, and civil servants can often develop a contemptuous attitude towards those using public services. It is as if services provided are a favour rather than a duty towards the population. This results in the population being more demanding of the state at administrative level and leads to protests whereby people refuse to pay tax. Civil servants are recruited is usually determined by the relation between the demagogic distribution of privileges. Political change, with the multiple changes of civil servants this entails, often undermines the continuity of the state even further. The lack of control over administrative action and the fragility of the rule of law leaves plenty of room for the arbitrary and causes the population to reject the state. The unequal distribution of the administrative departments of the state across different territories means that the functions and uses of these services are often misunderstood.

Although private media are mushrooming all over Africa, the state-run media remain instrumental in many countries. State-run media often have a very strong presence and are used as a propaganda tool

when they are supposed to be public services. It is difficult for the private press not to adopt a biased stance in political contexts where there is still a fine line between political and ethnic allegiance. However, in some countries, the media are gradually acquiring freedom to fulfil their role and are becoming more professional in the way they process information. They are *de facto* involved in the fight against corruption and the promotion of a public arena for debate, and encourage the development of democracy.

Elites, (whether intellectual, religious, customary or economic) and **diasporas** play a key role in validating or challenging the state. There have been situations, for example in Benin, where leaders have sought the support of an elite that refused to be involved unless the regime was liberalised.

In the political sphere, the coexistence of these elites gives rise to several types of relationship:

- **Conflictual** relationships: control of local power often leads to open conflict between elites. The loss of legitimacy by the state has contributed to creating and strengthening intermediary authorities.
- **Cooperation**: even in the context of appeasement, an authority may seek to forge an alliance or enlist the support of other authorities. In principle, all authorities officially seek to cooperate.
- **Avoidance**: this is a situation in which authorities ignore or bypass each other.

- **"Hegemonic absorption"**: each elite or authority wishes to dominate and control the others, even while they rarely admit it. This strategy may involve undermining them, either by subjugating them with privileges, or through infiltration.

The involvement of **"development partners"** in affairs of the state is often intended to safeguard their interests (private investment, use of international aid, opening up to globalisation and so on). These partners' distrust of the state means that they often bypass it altogether and work directly with NGOs and local players instead, thereby undermining the state even further.

Regional and international level

It is at regional and international level that national sovereignties are confronted and reconciled. It is characteristic of established institutions that they seek to influence subregional factors. On the African stage, the paradox of these institutions, whether they depend on states or civil society, is that they tend towards political spheres and fail to take account of the integration initiatives launched at grassroots

level. This means that the institutions are distanced from the population, and there is a discrepancy between political decisions and current social dynamics.

Players operating at the regional and international level are generally institutional. They have links at national level but are hardly involved at all at local level. However, there are important "bottom-up" regional integration mechanisms that institutional processes fail to take into account. Relations with the North are both bilateral and multi-lateral. When multilateral institutions (the European Union, for example) aim to reinforce the regional level, bilateral action (such as French diplomacy) often induced an imbalance that damages the construction of regional arenas. It is often said that there is a need to replace aid policies from the North with cooperation between these players, but attempts to bring this about are often frustrated as the North is reluctant to move away from its long-standing culture of aid. Another obstacle is our countries' lack of capacity to present structured, coherent proposals to northern players. This situation is perpetuated by the international organisations, and results in a concentration of expertise in the North, with a loss of control over experiences acquired. It is therefore not surprising that players from the North are still streets ahead of our countries in their knowledge of the models, strategies and action to be implemented.

Part 2: Analysis by level

Via different routes and for different reasons, most African countries launched administrative reforms in the mid 1990s that focused on decentralisation policies. They were generally consolidated by creating local authorities headed by local elected representatives and were intended to establish and justify the need for grassroots players to participate in order to lend the state true legitimacy. They provided a chance to promote local territories and rediscover them in the context of globalisation and the construction of large regional blocs.

Increasingly, the local level has come to define the identity of its various players (citizens, local institutions, local authorities, communities, diaspora). In this sense, it requires cohesion and solidarity among all local players as a common ground in which to learn how to be active citizens, a place for renewing socio-political, socio-economic and cultural relationships, and a place onto which the world is projected in which international relations are also played out. In the final analysis, the local level is a complex system which presents challenges in terms of governance and considerable power relationships.

Through decentralisation, the local level can be a place for promoting harmonious development with a human dimension. If it is seen as a unit of production and consumption, and also as a suitable scale for

planning, the local level clearly has a crucial role to play in the Africa's economic development.

Decentralisation and local governance

These are the theoretical challenges of decentralisation, but it is essential to set them against the reality of the perceptions and practices of local players. Thus, the words of each player we met, a horizontal reading and a cross-sectional analysis of the experiences gathered from all socio-professional backgrounds provided contrasting results. It cannot be denied that real progress has been made – mainly in terms of consolidating the principle of decentralisation and the implementation of an institutional model. However, such reforms seem rather minimal and they are problematic in terms of defining the workings and framework required to fulfil the aims of decentralisation.

Decentralisation processes between progress and regression

Decentralisation is perceived as a vector for sustainable development via the local democracy that underpins it. It is certainly true that proximity is a factor in good governance, in that it puts public

decision-making in direct contact with social need as experience by citizens.

Although this hypothesis is constantly asserted and repeated by players, decentralisation does not seem to have been achieved once and for all. Moreover, the institutions and practices to which it has given rise are not always appropriate for implementing legitimate local governance.

Experiences of Decentralisation

- The process of structuring decentralisation in Mali
- Can the role of the state always be channelled through local authorities?

The process of structuring decentralisation in Mali

*Overall, there is a **wide variety of approaches and contexts for implementing decentralisation**. According to states themselves, there are different reasons why decentralisation is justified (a long-standing tradition in Senegal; internal pressures such as the question of language in Cameroon; the Touareg conflict in Mali and Niger; external pressure arising from current circumstances that requires the disengagement of the state and so on), and the effective implementation of reforms is variable even though ►►*

At the time of its independence in 1960, Mali had five full-capacity and eight reduced-capacity municipalities. The constitution of 1960 stipulated that the territorial authorities of the Republic of Mali were the regions, *cercles*, *arrondissements*, nomadic tribes, municipalities, villages and nomadic groups. In other words, all of the administrative subdivisions became administrative authorities administered freely by local councillors. In fact, these councillors merely stated this principle rather than implementing it, except in the municipalities where it already existed. After the military coup of November 1968, municipal councils were dissolved and replaced by special delegations nominated by decree by the executive authority. The election of municipal councillors as a rule only came back with the advent of the single-party state in 1979.

However, the decree of 12 July 1977, which imposed territorial and administrative reorganisation in the Republic of Mali had previously revised territorial division, firstly with the creation of new regions and *cercles*, and then Bamako was made into a district subdivided into six. In a drive to encourage citizens and local and regional executives to participate in the

drawing up and implementation of development programmes, administrative constituencies and districts were

the legal and institutional framework has been adopted, as political will is crumbling, particularly at the level of the central state.

endowed with participative bodies, in the shaped of councils and a technical development planning body known as the development committee.

The constituency council was chaired by the chief of the administrative constituency and comprised elected members and representatives of

socio-economic organisations. It was more of a consultative body in the sense that it was merely consulted, could offer its opinion and make recommendations about the regional development programme.

It was decided to strengthen the political role of the council by changing their composition and adding political leaders (the development secretary of the single party), and by appointing an elected member as president rather than the chief of the administrative constituency, after which the chief's role no longer existed.

The third republic, which heralded the advent of democracy, promoted the establishment of the Mission for Decentralisation and Institutional Reform, which was responsible for making decentralisation policy and supporting its implementation. The option of a nationwide decentralisation policy was based on three major events in recent Malian history:

- the national conference that took place from 29 July to 12 August 1991, which recommended the removal of all barriers to decentralisation;
- the new Constitution of 25 February 1992, which established the fundamental principles of decentralisation and stipulated that "local authorities shall be established and administered according to the conditions set out by the law" and "the authorities shall be governed freely by councillors elected according to the conditions of law". One of these institutions was the Supreme Council of Authorities;
- The northern problem - that is, the Touareg revolt against the Malian state – was resolved successfully with the signing of the national pact in April 1992, which was based on the principle of self-governance for the northern regions.

The strategy for preparing and implementing decentralisation in Mali prioritized a participative and progressive approach. This participation involved various consultations which took place at every stage. Thus, territorial reorganisation, given the challenges it posed, was the subject of organised consultations at national, regional and local levels. The organisation, running and follow-up of these consultations was carried out by ad hoc regional structures that brought together representatives from all strata and movements, including political organisations. These structures for organising consultations mushroomed, even at *arrondissement* level and often at village level. Today, decentralisation has become a reality, with a legislative and regulatory framework; territorial administrative reorganisation which has allowed for the creation of 682 urban and rural municipalities on top of the 19 former municipalities and the Bamako District; municipal elections, held on 2 May and 6 June 1999; *cercles* and regions were made into local authorities (49 *cercles* and 8 regions). The *cercle* council and regional assemblies are in place; the national budget has allocated funds for municipal start-up costs (2,250 billion CFA francs); a pool of 699 secretaries-general was trained; a technical document database was created, containing acts and decrees, training modules, CD-ROMs and municipal infrastructure datasheets; a National Department for Territorial Authorities was established; and a system for supporting municipal investment was set up.

Can the role of the state always be channelled through local authorities? A Senegalese municipal officer paralyses a town hall by sabotaging the central computer

Administrative reforms do not always match the objectives of decentralisation. In fact, in most states, the legal and institutional frameworks do not correspond to reality, particularly because they are inaccessible and incomprehensible to local players, while authority cannot be exercised when there are conflicts arising from the incoherence or vague nature of legal texts, local players and administrations have poor management capacity and a low level of marshalling of other means available.

A shift in power based on a set of competencies is also problematic in that it is difficult to take account of all the relevant competencies at once.

On that basis, it is necessary to create links between the different levels of governance in order to ensure that consideration is given to the small-scale needs of the population and the obligations to be fulfilled at other levels.

►►

In Senegal, local authorities have always had staffing problems. Officers are generally recruited regardless of their skills or professional qualifications. The offer of a post in local government has more to do with the demagogic distribution of privileges and social blackmailing. The result is that the staff of local authorities consist of a plethora of under-trained, uneducated junior officers who often fail to carry out their specific task. Career promotion and duration are determined by the extent of one's constant and enthusiastic support of the mayor. Very often, local authorities only have one executive: the secretary-general. For a very long time, the secretary-general was a state officer responsible for managing local government. Despite the skills he brought to the local authority, people thought ill of him and distanced him, to the extent that he was really seen as the "eye of the state".

Acts passed in 1996 to extend decentralisation gave local authorities the scope to recruit or appoint their secretary-general from among civil servants, state officers or citizens, who could exercise their rights under hierarchies A and B because they had equivalent qualifications, even though they were not in the civil service. The local authorities can thus take up this opportunity in precise legal and regulatory conditions.

In the municipality of Bignona, the mayor intended to apply these new provisions by appointing a municipal officer from hierarchy C as secretary-general. Admittedly, he was the highest qualified member of staff. At the same time, however, he had an active and notorious political life. He was in the party of the mayor and, within that context, was of the same political leanings.

In accordance with the law, the mayor had communicated his appointment to the prefect in charge of monitoring legal matters. The prefect had vetoed the decision, citing a violation of the decree that stipulated the conditions for appointment and the advantages of the secretary-general. Despite this reminder of the letter of the law, the mayor refused to go back on his decision. Thus,

By learning to implement this principle of active subsidiarity inside the municipality, local elected representatives will be able to promote the same principle in their relations with higher authorities.

When analysing resistance to decentralisation, the central state is often blamed for a democratic deficit fuelled by a desire to control everything, almost to the extent of paranoia. As the adage goes, "centralisation is against decentralisation". But when it comes down to it, local authorities, which benefit most from the transfer of authority and power, do not always seem prepared to fulfil their obligations responsibly and in a more efficient way than the central state. All too often, they are not really aware of their role and responsibility in shaping the mentality and behaviour of citizens for the sake of a prosperous and efficient state in which the rule of law may be enjoyed. Rather than seeking to correct this, the representatives of central power seize on it as an opportunity for nostalgic discourse about centralisation. Moreover, they reinforce the status quo by wilfully ensuring that decentralised action fails.

the secretary-general was not legally recognised and was therefore unable to claim the compensation and benefits that came with the job.

Several months later, following political divergence within the party, the mayor decided to put an end to the appointment of the secretary-general and reinstated him in his original position at the municipal tax recovery office. In a deliberate and premeditated act, the officer erased the memory of the computer of the town hall that contained data accumulated in the course of two years of administrative work. In doing so, he had destroyed public archives and organised a technical sabotage of the computer and the printer, which was out of order.

Despite the gravity of an act of sabotage against public property and the wilful destruction of public archives, no lawsuit was brought against the officer, nor was he sanctioned professionally.

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Location: *Bignona - Senegal*

Local areas subjected to a conflict of interests

Between conflict and solidarity, cohesion and incoherence

With the reform of decentralisation, local authorities have been designated independent entities of African states and increasingly function as such. Individuals, organised populations and traditional local authorities want increasingly to be involved in the management of local public affairs. Resident nationals, the diaspora and communities are asserting their local identity in a healthy manner. Local

territories are joining in with cooperation and partnership movements, particularly those in the North.

However, the local level is a far cry from the idyllic image of a homogeneous community, for it is also the seat of rivalry between the players who exist alongside one another with often differing views, approaches and interests. Failing to take account of each territory and its different players has often fuelled factors for conflict and exclusion by strengthening one group to the detriment of another. There are in fact real tensions, for various reasons, between institutional and non-institutional players and between territories and communities.

Experiences of Decentralisation

- Institutional barriers and power struggles when implementing a project
- When a rural council breaches a local convention against a backdrop of ethnicism and corruption
- Decentralisation, tourism and property disputes

Institutional barriers and power struggles when implementing a project

Cancellation of a project to install fountain posts as part of the FOURMI programme in Cameroon

Two separate logics seem to govern relations between the various players in a territory: the affirmation of an increasingly active citizenship and a rather hermetic attitude on the part of institutional players as demonstrated by elected representatives and technicians.

Organised populations have a strong desire to be involved in the management of public affairs as they are convinced that it is the path to salvation, for at least two reasons. On the one hand, they often take action – and succeed – in place of the state through grassroots initiatives. Because of this, they have realised their effective capacity to take up real challenges. On the other hand, they are convinced that their presence and role in the public arena constitutes an essential yardstick for a new mode of governance.

The main players, both immigrants and residents, are all the more justified in their ambitions because the drive for participation undeniably gave impetus to local development and a healthy assertion of identity. On the other hand, the elected representatives, caught up in a “power-oriented” dynamic with the contradictions it entails, do not always seem to take much of an interest in non-institutional players and their initiatives. With little awareness and knowledge of the challenges of decentralisation, these elected representatives claim to apply representative democracy even though they are ignorant of its limitations and are often seen to be **crushing local power**, sometimes for personal ends.

To combat poverty and destitution in urban areas, the European Union has been financing a programme since 1995 to implement joint infrastructure projects in urban districts. This programme, called the Funds for the Support of Urban Organizations and Micro-Initiatives (FOURMI) offers urban residents the chance to improve their living conditions by implementing priority projects. Residents meet in order to identify priority needs and then submit their project proposal to the FOURMI programme. These projects relate to sanitation, the road network, water, health and so on.

In order to carry out these projects, development committees (CADs) have been set up in the relevant areas. During the course of their activities, CADs have encountered a number of difficulties which prevent them from fully achieving their objectives, as illustrated by the following case:

The environment in which CADs develop is often plagued by a lack of confidence and cooperation with administrative authorities, which here are the mayors of municipalities. In one of the poor areas of Yaoundé, residents are facing the serious problem related to drinking water supply. With the FOURMI programme, they decided to build a drinking fountain. Permission of the municipal authorities is required to build any infrastructure, and the mayor agreed to the project. But when the work was to be carried out on the ground, the mayor, who owned property in the area, imposed other conditions in order to ensure that he would be the sole manager of the drinking fountain. In fact, almost all of the land belongs to him, and he has total control of the area. By removing his mayor's cap, he imposed himself as a person to be reckoned with and whose will must be respected. In reality, it was in his interests to block the project because he could force the population (his tenants) to pay for the water at high prices.

In a situation where the CAD had no legal basis on which to act, the project was simply cancelled. The NGO in charge of piloting the programme's activities was forced to re-allocate the budget for this group

to another. The matter never came before a competent body since the CAD was still an informal organisation.

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When a rural council breaches a local convention

against a backdrop of ethnicism and corruption

As part of the efforts to bolster decentralisation in Senegal, a number of acts were passed in 1996 to create what is commonly called the local authority code. This code allows local authorities to self-govern and recognises certain competencies at each administrative level. Among the competencies of the rural community is decision-making regarding the general occupancy of land, projects for development, land allotment and facilities for areas allocated to housing, as well as planning permission for residences or camps, and planning permission for abandonment of land in the national domain. We must bear in mind that in Senegal, the rural community is the basic community. It is generally inhabited by people occupied with agriculture and livestock. This shows how important the rural council's allocations are in the sphere of land.

Pata is a vast rural community extending over 1,060 square kilometres in southern Senegal. This region, also known as the Fouladou, is essentially inhabited by the Fula people, the second-largest ethnic group in Senegal after the Wolofs.

Pata is unusual in that it is inhabited not only by Fula but also by a large community of Wolof farmers who migrated from Saloum, a central regional of Senegal, in search of land to cultivate.

The co-existence of crop farmers and livestock breeders is by its very nature a source of conflict and tension.

On the one hand, the Fula community complains that the Wolofs are always opening up new land to give them more space. According to the Fula, this "colonisation" by the Wolofs "from outside" is the main reason why their grazing land is being destroyed. On the other hand, Wolof farmers accuse the Fula of letting their herds loose on their peanut fields, occasionally causing considerable damage. Thus, the two communities are always at loggerheads, very often leading to pitched battles.

These brawls persist and feelings run all the higher given the death toll on both sides.

Given this situation of violence and mutual incomprehension, all of the ethnic groups of the rural community entered into dialogue. To prevent conflicts, it was decided that the decisions of the rural council granting authorisation to occupy land would be taken in consultation with the various communities, through their representatives. This rule became a local convention. And it was this very convention, this consensus, which was breached by the rural council.

In 1998, the villages of Saré Halèle and Sinthiang Bora in the rural community of Pata experienced tragic events. Saré Halèle, which is about 20 km from Pata, pre-dated the Fula village of Sinthiang Bora. Having occupied their territory for years, the inhabitants of Saré Halèle observed people slinking in to set up homes in Sinthiang Bora. They were warned to leave, because it would be impossible to share the land, which was already too small, with another community.

In response to repeated warnings, the newcomers pointed to permission to occupy the disputed land granted by the rural council. The villagers of Saré Halèle were frustrated and their pride was hurt by the attitude of the rural council,

which had just violated a "local law", so they opposed the residence of those from Sinthiang Bora, who were preparing the land in anticipation of the first rains. Brawls ensued that ended in tragedy and affected the communities, each blaming the other for the clashes.

However there was nothing doing. The sub-prefect was powerless to intervene in the face of the rural council, which declared itself the sole, independent authority with the power to resolve the problem of the occupancy of land and which refused to budge. This tension between the villagers of livestock breeders and crop farmers soon snowballed until it affected the *arrondissements*.

REMARKS: It is a positive thing that people have indigenous means for regulating social conflict. Thanks to this awareness and the will to settle social conflict between "rival" ethnic groups, a consensus was found. What is striking about this experience is that the people intend now to avoid the risk of conflict through consultation and information obtained in advance, so that a better policy for land occupancy can be determined and implemented. This formula for social consensus, the local convention, is an effective means to appeasement and to development of territories, particularly in rural areas. As such, these local conventions should be promoted and fostered through decentralisation policy.

It is vital that their credibility and strength should not be undermined by disloyalty or because the administration refuses to recognise them.

In Pata, the rural council was the first to undermine these "emerging institutions". It breached and questioned a major step forward in terms of preserving social peace, probably through a lack of awareness, ignorance, or, as is always the case, for money.

NOTES: Samba Coumba MBAYE is the president of the Hamdallah Samba Mbaye youth association.

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Decentralisation, tourism and property disputes

There is a law governing national land. But there are also rights, namely customary law. Maritime communities have access to the land thanks to customary authority, which is recognised by the state and has the power to make decisions relating to the conditions of occupation of the sea by its users. It dictates the precise locations where fishermen can draw in their pirogues and those processing the catch can place their drying screens.

Two phenomena are gradually interfering with this right of access and the right to participate in the management of coastal areas. Firstly, tourism and related activities are being developed for leisure, camping, luxury sporting activities etc. In the region of the Petite Côte, which is a hub for developing tourism activities, and more recently Saint Louis, there has been a conflict between fishing and processing on the one hand, and the development of tourism and its activities in coastal zones on the other. Like certain villages, such as Hann,

where processing totally disappeared because there was no space for the women to work, fishing communities will have to resolve a major dilemma in the near future: how can they uphold their right to access the land while turning this conflict situation into one where tourism and fishing co-exist peacefully?

Secondly, decentralisation has led to a dispute over the authority of municipal and customary authorities in certain situations relating to property management. These problems are only avoided in cases where the customary authority concurs with the higher body or is provides it with a useful vehicle for implementing its decisions. The general tendency that has come to light in the decentralisation process is as follows: organisations of young people and customary leaders rise up against property speculation practised by some municipalities. These municipalities suffer from a lack of funding (because the state has decentralised problems, but not funds), and view the pockets of property still available as an alternative means of acquiring part of the budget they need to function. The creation of *arrondissement* municipalities, which have largely replaced traditional villages under decentralisation, has resulted in local elected representatives such as mayors coming closer to the people. Although this administrative policy gives authorities a certain degree of independence, it leads to a "proximity sanction" being applied by elected representatives against people who do not necessarily show any sympathy for the existing authority. In many municipalities (such as in Senegal) mayors take the attitude that public service is available for those who voted them in. It can therefore be deduced that decentralisation does not necessarily go hand in hand with good governance.

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Areas defined without paying much heed to socio-cultural factors

Local territories need to be coherently and pertinently defined and managed in order to re-instate governance and ensure it is legitimate, primarily because they are the optimal geographical

area for learning citizenship skills and practising participative democracy. Moreover, it is the cornerstone of governance in the context of globalisation. The legal territory must therefore match the real territory, while remaining a centre for sustainable development. It is also the place in which to build new forms of solidarity based on values that transcend the barriers of ethnicity and clan.

Experiences of the decentralisation process:

- Territorial and political fragmentation: a local political issue combined with collusion at the highest levels of state results in the creation of the municipality of Sébikotane
- The challenges of decentralisation in Africa: back and forth between the centre and the periphery

Territorial and political fragmentation

A local political issue combined with collusion at the highest levels of state results in the creation of the municipality of Sébikotane

In their fragmentation and mode of management, territories result in a dual dynamic of solidarity and conflict. The local level has become a wellspring for "resident players" and the "diaspora" who are aware of the challenges of a new mode of governance and want to play a part in it. Public awareness has increased dramatically and there is a strong ►►

"You know, Sébikotane has an impressive past. It went from being a mere area to a rural community, and now it's a municipality.

Originally we were part of the large municipality of Rufisque for administrative matters. In actual fact, there was never any real sense of belonging because the leader of the municipality was out of touch and decisions were taken at a level which did not allow us to participate. There was also an imbalance between the living conditions of the urban population of Rufisque and those of the rural population of Sébikotane. Admittedly, having urban and rural environments within the same municipality only made things more complicated. At the political level, the elected representative and mayor was in Rufisque and I never felt I could

desire to belong to this territorial level while promoting specific development work .

At the same time, the local level is a place of conflict at all levels. Tensions arise between communities in the same territory because the demarcation of the territory is meaningless or because there is no policy that takes account of different leanings and how these can work properly together.

Between local players, the fact that politics takes precedence over all other considerations, and that there is no culture of dialogue and consultation, can generate conflict.

The lack of precise territorial borders and solidarity between local authorities sometimes leads to confrontational attitudes, just as failure to take account of social and historical realities when demarcating territories threatens the cohesion and solidarity within some local authorities.

accept him because he did not address our problems. So I always thought we should be given greater responsibility ourselves for those problems, here and now, and certainly not in a spirit of "separatism", but for the locals to take matters on board.

It was against this backdrop that Sébikotane obtained local authority status by becoming a rural community in 1984. This initial shift could have brought benefits, but unfortunately the divisions of the local authority had not been thought through properly and other frustrations arose.

For example, Yène and Sébikotane were grouped together, but from a cultural, economic and social point of view, the two localities had obvious differences. The area of Yène is mainly made up of migrant fishermen who go to work in Gambia and Guinea Bissau. Here, on the other hand, people are sedentary and their livelihoods are in agriculture and livestock. Yène is more enclosed than Sébikotane and the two localities are about 15 km apart. The population of Yène have more links with Diamniadio and Bargny. Sébikotane is not their "natural region". I often went to Yène and I have always noticed that they were not comfortable in this rural community.

It's true that these two entities did not have much in common, and in 1996, Sébikotane became a municipality. But it has to be said that our separation from Yène was mainly politically motivated. There was a leadership problem, and warring factions within the party, which frustrated many people from Sébikotane. In Sébikotane, we did not have the same candidate as the minister, the political leader who lived in Yène. So we thought about creating a separate entity over which the minister, the political leader, would have no influence. And the only way was to take

advantage of decentralisation to become a municipality. Of course, the transition from rural community to municipality raises many problems, particularly financial ones. For example, unlike the rural community, the municipality pays for street lighting, which costs us 2,500,000 CFA francs per month. It also pays the rent for the town hall, at 180,000 CFA francs per month, and we have arrears of 3,000,000 CFA francs. In 5 years, we haven't even accomplished one third of our programme, while the overall balance sheet for the rural community had been positive. So you can see that we lose a great deal of benefits by being a municipality. The only compensation is a moral one. The population feels liberated and they can feel that they have something which belongs to them.

It was a terrible political challenge and there was collusion at the head of state which meant that the municipality was created in a restricted area."

REMARKS: In Senegal there is a strong tendency to use local authorities as tools for politics. This is counter to their primary purpose, which is to promote local development and safeguard local interests in the context of decentralisation.

An example of local authorities being "harnessed" for the purpose of power politicking can be found in the municipality of Sébikotane, where only political discord between branches of the same political party led to its creation. Moreover, the running of the municipality is dominated by rival political factions to the extent that very little has been achieved so far.

This municipality is not an isolated case. In fact, in Senegal, local collectivities are political tools at the disposition of powerful local figures who use and abuse them in light of their allegiance to the head of state and his party. It is not exaggeration to say that the local authority is the grassroots body that forms the basis of the ruling party.

Bearing in mind that, in order to win back the cities of Dakar, Pikine, Thiaroye and Rufisque which had eluded the socialist party in the presidential elections, the state decided to divide up these major cities up into 50-odd municipal *arrondissements*. By applying a divide and rule policy, the socialist single-party state had effectively ensured a victory in local elections. This political objective was later confirmed publicly by a socialist minister. However, it seems there was no need for that, judging by the running and the balance sheet of these municipal *arrondissements* which were totally out of touch with reality.

Senegalese people see the town hall is a place for politics and that is its sole purpose. This perception means that jobs in decentralisation are not very rewarding, and people often do not understand why executives work in these structures.

Turning local authorities into mere political tools raises some fundamental questions: what sense and content do the state and politicians give to decentralisation? Are they aware of the challenges of decentralisation and the consequences if this policy were to fail? In short, do they have the will to make decentralisation a success?

Nothing in their behaviour or discourse gives any grounds for optimism.

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Sources: *MAINTENANCE* - **Location:** *Sébikotane, SENEGAL*

The challenges of decentralisation in Africa

Back and forth between the centre and the periphery

*It is at territorial level that the crises of current models of development are attenuated, by consolidating social ties, re forging the link between the economy and society and allowing for an integrated approach to relations between society and the environment. It is at the local level that other modes of relating the local to the global can be devised. The definition of local territories is affected by two factors: **the configuration or organisation of the territory which is detrimental to the local level and rural areas while benefiting capitals and cities; territorial fragmentation that is often underpinned by political and electoral calculations.** The result is that the legal organisation does not always match reality. This in turn gives rise to **excessive territorial fragmentation with no bearing on reality** that casts doubt on the relevance and viability of territories, local authorities and all relevant dynamics.*

*This mistake is accentuated on the one hand by **a lack of information and the participation of genuine players in marking out these territories,** and on the other, by **the absence of shared projects between the various communities.** ►►*

What paradigm for structural change demonstrate about the democratisation or the concept of good governance that underpins them is that African states need to undertake basic tasks relating to sovereignty and ensure that their administrative departments are efficient.

However, although the idea of redefining the role of the state and the interaction between the centre and the periphery is an attractive one, it throws up many questions, in spite of the firm belief of property owners that decentralisation is a cure-all for the state's depleted resources, and a tool for implementing procedures to delegate state functions to local authorities, as our leaders are so keen to point out.

African researchers remain convinced that the following questions need to be addressed:

- Is it conceivable, let alone reasonable, to devolve central power to smaller centres, in a more or less organised way (as allowed for by the dominant ultra-liberal ideology) in African situations that suffer from the lack of institutionalisation of the state, the weak nature of local political bodies and the inexperience or even non-existence of local political elites?
- On that basis, is it possible to decentralise and strip the centre of its regulatory and redistributory functions in favour of local authorities that have not been sufficiently prepared to receive or exercise them, without exacerbating the socio-economic, ethnic and religious imbalances already present, and without thereby jeopardizing the very existence of the state?
- Does the participative (community-based) management inherent to decentralisation policies in Africa genuinely aim to involve the population in urban affairs in a responsible manner?
- Is it really the crucible of local democracy where civil awareness is formed, or is it merely a makeshift solution to compensate for the disengagement of the state - a more flexible mode of resource

In these circumstances, it is illusory to base the hope of renewed governance and sustainable development on what takes place at local level. That is why Africa must think seriously about the problem of its territories.

management, the end result of which is to cushion the negative effects of budgetary constraints for the most deprived sectors of society, by giving them the impression that they are involved in the decisions affecting their future?

Decentralisation in Burkina Faso seems to have taken a novel route. Like other sub-Saharan countries, it can be justified by the deficiency of the state, but it also depends on the procurement of international financial aid

(IDEA, 1998). Despite these shortcomings, the process takes account of the socio-political and economic situation at local and national level. There has been a profusion of forms of expression and very diverse organisations (alliances, managing committees, village groups, religious groups and so on) that create a strong network to support the process. For example, there is a scrubland management committee in Sapouy that involves eight villages.

The National Commission for Decentralisation (CND) takes a decidedly serious and cautious attitude in implementing its long-term programme, the process must not deteriorate into a process of state legitimisation, the "need" for which has been stated vehemently. To respond to preceding questions, the CND endeavours to regulate the allocation of financial resources without which communities would ground to a halt, and aims to ensure that the gap between Ouagadougou and the rest of the country is closed, thereby reducing the inequality between the centre and the periphery.

In other words, the high concentration of most of the administrative, financial and political resources must be corrected, otherwise the opposition between the actual country and its legal structure will be exacerbated, and that would damage democracy in Burkina Faso.

REMARKS: There can be no doubt that consideration of decentralisation in Burkina Faso and elsewhere in Africa is influenced by dominant theses regarding the disengagement of the state. Decentralisation thus seems to be an instrument for reducing the burden of the state apparatus vis-à-vis market constraints. The management approach this involves means that a third objective comes into play: improved efficiency of public services, a reduction in public spending by transferring power to decentralised authorities and greater accountability.

Here we demonstrate that the balance between the state and local capacity is obtained through a subsidiarity test: who does what best?

Decentralisation is in itself, therefore, a challenge in view of the problems it poses (training of local elected representatives, tax, distribution of competencies) and seeks to avoid making a distinction between the actual country and its legal structure. Burkina Faso has tried to overcome these stumbling blocks, but in fact it seems more as if the country has gone from euphoria to restrained optimism, via disillusionment. This text is a good starting point for further consideration.

Author: T. Luther YAMEOGO - **Organisation:** Dialogue Network on Governance in Africa (Burkina Faso)

Sources: Original text - **Location:** BURKINA FASO

A complex dynamic involving players who are often under-prepared to fulfil their mandate

Decentralisation requires a healthy supply of diverse players who are in touch at the local level in order to achieve their common goal (the development of the territories and local democracy) based on a set of objectives specific to each player. This joint project can only be a success if there is an understanding of the challenges and interaction between players and competent people.

However, relationships between players do not always allow for a coherent, shared local project to take place. In fact, the coexistence of several groups and elites usually leads to open conflict, avoidance (in

which they bypass or ignore each other) or neutralisation (each one tries to dominate and control the others) rather than cooperation (alliance, mutual support, ongoing consultation).

Moreover, in the conditions prior to decentralisation, it was not always possible to choose players who took responsibility for these challenges and were adequately prepared to play their role. On the contrary: we have seen a political practice which has little regard for the ethics and competencies of players; local deputies are usually illiterate and have little experience of management; the implementation of competent, republican local administrations has proved difficult in terms of recruitment, status, career management and skills); initiatives and alternatives proposed by local people have been attempted but they are of poor quality.

Experiences of decentralisation

- Informing and training rural inhabitants in Mali: an original experiment in decentralisation
- Building the documentation and information capacity of local authorities: an example of North-South cooperation to strengthen the decentralisation process in Benin

Training and Informing in the rural areas of Mali: *An original experiment in decentralisation*

Neither the conditions for the advent of decentralisation, nor how this policy was planned have allowed for a choice of key partners, let alone the preparation by means of training and informing existing ones. In the headlong rush to reform, the state has neither informed nor prepared its own representatives.

What is worse is that the concept and practice of African politics has meant that well-meaning and competent citizens have been sidelined in favour of a staff with a political mindset of dubious quality. Elected representatives, who are often illiterate and without previous training, have not always grasped the challenges of governance and development or even life within society.

Therefore, their technicians are often recruited on the basis of the demagogic distribution of privileges at the expense of competition and professional ethics. In the absence of a status that recognises their value and protects them from arbitrary discrimination, technicians are often judged by their degree of submission and allegiance to politicians.

Grassroots partners, motivated by a survival instinct that forces them to take responsibility for urgent and unavoidable concerns, are often genuinely successful.

►►

March 1991 was a turning point in the socio-political evolution of Mali with the implementation of a multipartite system that ensured citizens the exercise of their freedoms. This democratic process quickly became focused on decentralisation as a means for furthering and promoting local development.

Within a context of illiteracy and a lack of confidence between citizens and the administration, how can grassroots participation in this process of change be increased with a view to local appropriation? To do so would require different partners to be trained. A project will be thus developed in the *cercles* of Bougouni, Yanfolila, Kadiolo (Sikasso region) and the district of Siby (Kita *cercle*, Koulikoro region). Those are rural environments with high illiteracy rates, low purchasing power, limited access to basic social services and insufficient information and communication infrastructures.

The objective was to analyze the needs of rural people in civics and information, and to propose, by mutual agreement with them, a set of activities aimed at addressing those needs. A civics training and information project was implemented and executed after one year.

This project had six complementary objectives:

- to inform the local populations about the framework and the challenges of the decentralisation process in Mali.
- to explain the content of the laws on decentralisation to the people, and collect from those present all the comments inspired by these laws;
- to remind the people of the role of their MPs as legislators
- to lead existing networks and structures in order to ensure the continuation of the process of communication about decentralisation ;
- to create a document about decentralisation for the people.

But we should not forget that popular initiatives and alternatives must be improved both in terms of their quality and efficiency.

This project required the involvement of three categories of partners. These are: three NGOs, the state administration (through its mission on decentralisation) and the communities. The NGOs proposed content and a work method; the decentralisation mission was ongoing throughout this process to ensure compliance with the messages transmitted; village communities participated in voicing the need for information and civics training, organising talks and debates,

and managing the process with the audio library committees in the village.

The strategy for implementing the project combined information, training, theatrical performances and documentary support.

Training

Mini workshops were organised between various villages. They were aimed at groups aspiring to change (women and youth groups) and community leaders. Topics such as the history of decentralisation, the place and role of the village leaders in the decentralisation process, the challenges of reform, the competence of the municipal council etc. were addressed.

Information through the audio library

People have been informed using a set of talks and debates. The audio library is a system for group listening, exchange and discussion on a given topic of common interest. People have been selected by the community and trained by NGOs to pass on information and thus relieve the project team. Taking into account the equipment's coverage capacity, radio broadcasts have been made in order to broaden the range of information about decentralisation.

Theatre performances

The Do troop has organised several theatre performances with on two plays about a visit from the mayor and voting for candidates. These performances, which are mainly humorous in nature, gave rise to substantive and lively debate.

Documentary support

The content of the broadcasting, the main tool of the audio libraries, has been transcribed into Bamanan and made available to newly literate people thanks to a translation into the national Bamanan language:

- 39 audio library committees have been set up. Individual interviews clearly show that 90% of the members can describe their mission correctly.
- 39 villages have received information about decentralisation during 390 broadcasting sessions.
- at least two people per village can describe the goals of decentralisation by clearly presenting its challenges and its limitations,
- the debate about democratisation and decentralisation is progressively becoming embedded in the various villages,

- documentation about decentralisation has been created for the newly literate,
- certain village players have positioned themselves with respect to municipal councils, to which some of them belong.

The interest that the people have shown in the project means that they are motivated to achieve the objectives set. Given the opportunities that decentralisation opens up in terms of solving complex problems of socio-economic development, there is a vital need for work to reinforce local capacity in order to ensure control over the changes taking place.

Author: Djoumé SYLLA - **Organisation :** Dialogue Network on Governance in Africa (Mali)

Location: Sikasso, Koulikoro - MALI - **Sources:** PERSONAL ACCOUNT



Building the documentation and information capacity of local authorities: an example of North-South cooperation to strengthen the decentralisation process in Benin

In response to the need for information and training, original initiatives are being devised, but their impact is limited. These initiatives focus on practical and adaptable training and information. For that very reason, they popularise governance, which is no longer the reserve of professional politicians and intellectual experts.

Funds for document management and archives is unusual within the administrative departments in Benin. This rather sad observation applies equally to local communities in Benin. Within several deconcentrated administrations, there is no regular department for filing and documentation. During a simple walk along the corridors of some of these departments it is obvious that entire files, legislation and standards are stored at random. Civil status registries are poorly maintained, and sometimes damaged. Some documents are left within reach of termites and destroyed by cockroaches and rodents. This situation directly impacts the quality of the services provided by local administrations to their people. Citizens are often frustrated, dissatisfied, and sometimes surprised to learn that birth certificates cannot be found, or that the legislation and standards

do not exist. This deepens the crisis of trust between the citizen and the administration, which leads to fiscal

malpractice, and results in a lack of respect for the common weal. As for the representatives of the local administration, the lack of proper working materials and the general state of chaos result in a lack of motivation.

In this context, the question for the communes that will be created under the new administrative reform is: how can they guarantee their citizens the right to information? How can the municipal council decide to build a school without knowing the number of future pupils? How can administrative agents work efficiently without good documentation? These problems have shown the need for a Support Programme for Document Management within the municipalities. This is a decentralised system of document management for sub-prefectures slated to become municipalities once the administrative reform has come into effect.

In 1996, the Centre for Information and Documentation for Local Authorities in Benin took the initiative of creating a special support programme for document management. It has operated since 1995 on the initiative of the tripartite Benin-Franco-German Project to support decentralisation. The mission of the Centre for Information and Documentation for Local Authorities in Benin is to strengthen the decentralisation process in Benin. It functions as a host structure and service provider in the field of information and documentation between communes for the local elected representatives, administrators and all the development representatives at local level. In order to guarantee the efficiency of its services, the Centre has adopted a decentralised method of document management for local authorities, leading to the creation of the Support Program of Document Management within the local authorities.

The aim of the program is to improve the services provided to users in terms of the delivery of administrative or civil status certificates, to ensure public service in terms of information about life in the municipality, and to bolster the capacity for documentation and information of local authorities for grassroots development management. That is why the Centre for Information and Documentation for the local Authorities decided to make useful information available to the population at large. The support program for document management has been designed and developed with the sub-prefectures and urban administrative areas that will become the next municipalities.

In practice, every municipality will have its own Record, Information and Documentation Office (BADI). This Office will comprise three sections: the records, for the storage of all certificates, files and administrative documents, the documentation section, which will comprise all everyday documents, and the information section, to provide users with all the necessary information about the municipality. One of the novelties of the program is the allocation of facilities specifically for documentation, and to ensure that those in charge of document management within the local authorities in Benin are trained. Today, the Program is at an advanced stage of development. Many sub-prefectures have already set up their documentation department in purpose-built facilities. Trainers and instructors of the Centre for Information and Documentation for Local Authorities visit all the municipalities in order to train the documentation department staff and help them to set up their BADI correctly.

COMMENTS: Brave are those who study document management as it is currently practised in our administrative departments and local municipalities and try to apply a sense of logic. The science of document management is still unknown in many of our administrations and public services. In the rare event that there is a documentation department, it will be the poor relation of departments. No funds will have been allocated to it. There are shortages of absolutely everything. It is managed by an agent who has never received any training in document management. Those who have the skills required for the position would not accept it. Appointment in the documentation department, even as manager, is rarely seen as promotion in Benin. In fact, document management is considered in

our administrations as a low-profile department often entrusted to discharged soldiers who are usually too weary, being on the verge of retirement. The results are blatantly obvious. The documentation department is assigned to cramped facilities akin to a junkyard, where heads of department come to dump their cumbersome documentation. These documents, which are often very useful, are stored in the dust and are regularly trampled on by administrative agents and those who use these services. Staff absenteeism is another scourge of documentation departments. Indeed, realizing that they are not particularly useful in the department, staff are quick to slack off as they see fit.

For these reasons, document management in our administrative departments was seen as an important requirement. We are therefore looking forward to the Document Management support programme in our local authorities. We can only wish that this experience will be continued in order to ensure that it doesn't disappear in the future once the sponsors have gone, as has happened with so many other programmes in Benin. But while waiting for the elections and the establishment of the future municipalities, the Information and Documentation Centre of the local authorities continues to promote document management in Benin.

Author: *Désiré AIHOU*

Organisation: *Dialogue Network on Governance in Africa (Benin)*

Sources: *Interview with Camille Dossou*

Location: *BENIN*

Problems of mobilisation and local resource management, and modes of action

Economic governance in Africa is characterized by an almost exclusive external dimension that creates a strong dependency on a world where it matters little. This externality results in local territories and local economies not being taken into account as part of development schemes.

Moreover, localities are characterized by an insufficient mobilization of economic and financial

resources and lack of a land management policy and solidarity between territories; there is little recognition of the need for association with national and global policies. These are some of the many obstacles to the marshalling, promotion and optimum and sustainable management of the potential local economy.

Parallel to this, the sustainable management of natural resources is a core issue for most African people, whose welfare and livelihoods depend on working the land. Consequently, securing the access to feasible and fair resources for vulnerable sections of the population such as women, youth and farmers is top priority.

Experiences of decentralisation

- The irresolvable contradiction of using under-funded local authorities as a basis for promoting and sustaining economic and social development
- Embezzlement, corruption, impunity and a poor economic climate: there are plenty of arguments to avoid paying local taxes
- The management of natural resources in the municipality of Sikasso
- An alliance for developing the municipality: civil society organisations and the decentralised management of natural resources

The irresolvable contradiction of using under-funded local authorities as a basis for promoting and sustaining economic and social development

The implementation and success of decentralisation policies depends on means, the most important of which include public services and financial resources. Beyond the external financial support and capital funds provided by the state, it is essential to mobilize local taxes for at least two reasons: in order to create and maintain this umbilical cord between the local authorities and their citizens; secondly, in order to finance the development programmes in the territories.

There is an evident paradox between the financial and economic capacity of these "promoters" and the scope of their mission in socio-economic terms.

Local territories are characterized by a weak economy. Powerless and resourceless, the grassroots authorities have neither the means to manage themselves and to function as structures, nor the means to fulfil their mandate to maintain and develop economic life at local level. The fact that they are in a developing country is surely a contributing factor.

On the other hand, it seems that fragmenting the map of territories extends, ►►

"I think decentralisation was a con from the start. Take the example of Khombole, a municipality of 15,000 people with no resources. The municipality lives almost solely off the taxes levied from the bus station, and since transport vehicles are not obliged to stop, you can imagine that this structure does not generate extensive resources. There are also some taxes levied on traders.

Here taxes are virtually non-existent. Barely any household waste tax is collected. In short, the municipality is poor. It doesn't have any resources, but it still has to meet major expenses, especially the payroll. As you may know, the local authorities have a politicised staff. Those elected simply hire staff on the basis of political machinations. The staff is therefore totally inefficient and it cannot be contained or rectified because the management is itself politicised.

The situation of rural communities in the surroundings of Khombole is even worse. Their local authorities do not even have staff. Not a single agent. However, there is a minimum requirement to structure, administer and manage. Obviously these rural communities do not have the means to exist and function. Their main resource, the rural tax, does not get collected. Before decentralisation, it was the sub-prefect who administered the rural communities on behalf of the state. Unfortunately, the same person is still in charge, despite decentralisation laws that established the principle of free administration in the local authorities.

Therefore it seems that there are too many local authorities and that they are not viable. If we had made Khombole a point of focus for all the surrounding rural communities, we could perhaps have built up the economic strength to enable us to achieve something. But if we are to respect the current limitations of the local authorities, I think we will not achieve much. Decentralisation is supposed to instigate noticeable change for citizens, which is not the case.

For example, many of the people of the surrounding rural communities are in favour of their local authorities being merged within the municipality. That would allow them to have access to certain advantages that rural

perpetuates and even institutionalises the weak economy and financial situation. Modes of governance, such as public goods and services and local resources are closely related to the problems of the territories. Local "balkanization" has meant that the territories do not always correspond to areas of growth. Since they are irrelevant, these territories are to a certain extent the playground of some institutions in the process of adjustment and populations fighting poverty without tangible results. Indeed, the state of poverty of taxpayers is an important factor too. The people do not even have the basics. This means that they can barely afford to pay their taxes.

communities do not offer, such as electricity or a water supply. Therefore we cannot say that there are serious obstacles to the amalgamation of local authorities.

In brief, there are too many local authorities in Senegal which exist only in name. Thus it is necessary to make them viable by integrating them. You are right to talk of regional integration, but one first has to think about local integration. Colonialists have balkanized Africa and we have not been able to do anything with our tiny states. And we have balkanized our states in order to turn them into local authorities that are not economically viable. We have to prevent Senegal from splitting into weak local authorities.

COMMENTS: In Senegal, as in the rest of Africa, states tend to create too many local authorities, as if the number were an indicator of their will and the relevance and the success of decentralisation policies. This is all the more evident because official discourse very often refers to the number of local authorities in order to glorify itself. Senegal currently has 340 local authorities for a surface area of 190,000 km.

This model leads to the creation of local authorities that often do not correspond to development areas, that is, geographic areas that fulfil the economic and social conditions in which development is possible. At the very least, these economic

and social factors must be taken into account when creating a local authority. That is not the case in Khombole and elsewhere in Senegal. The fact that local communities are not viable means that they lose their credibility to the extent that they do not fulfil their mandate, let alone the expectations of the people.

There is therefore an urgent need to review the administrative and territorial map of Senegal in order to identify and create strong and sustainable local authorities. If such "local balkanization" continues, there is good reason to believe that the people will reject their local authorities as they have the state, which is now nothing more than a shadow in Africa due to its lack of credibility.

Author: Falilou Mbacké CISSE

Sources: interview with Amadou Ndiaye, local councillor in Khombole

Organisation: Dialogue Network on Governance in Africa (Senegal)

Location : Khombole , SENEGAL

Embezzlement, corruption, impunity and a poor economic climate:

there are plenty of arguments to avoid paying local taxes

All too often, decentralisation is a movement imposed from the outside by donors according to imported models. **At times, decentralisation looks more like mere administrative devolution.** Quite often, the state decentralises its responsibilities without decentralising the corresponding taxes to fund them. For this reason, local territories have few resources of their own and are dependent on the state or international aid if they for their everyday operations and for investments in particular.

*This approach is aggravated by a certain notion of public goods and services that is an overhang from the rift that exists between peoples that have long since turned away from the state and all that it controlled, and all its agents who benefited from the state. **Therefore, on the one hand, citizens do not appropriate public goods, and on the other, officials manage these goods in a demagogic manner.***

There are no safe mechanisms for collecting the resources. There are countless, unpunished cases of embezzlement of scarce resources. The collection system is archaic and inefficient, and does not allow for optimal mobilization of fiscal potential. It is carried out using mechanisms by agents that are far from perfect. ►►

We are involved in a discussion group at a training seminar for local elected representatives. The rural councillors discuss local finances and local taxes in particular.

The head of a village said: "My rural Community is located in Medina Yoro Foulah district in the Region of Kolda, in the south of Senegal. In 1998, the collection of the rural tax in the rural community amounted to 2 million CFA francs. This sum had to be deposited in the public treasury of Kolda. To everyone's surprise, the president of the rural community simply declared that he had lost the 2 million CFA francs in Dakar, where he was at the time. To this day, the president has not been investigated. Our status as subjects prevents us from having the power, the credibility and the influence to start legal proceedings or bring him to account. However, as the head of the village, I blamed myself for not being observant. The following year, after collected the rural tax from my village, I demanded that the president issue a receipt against delivery of the money. I went to the public treasury of Kolda in order to verify that the president had transferred the tax correctly. The clerks at the treasury said they had never heard of my village and that the rural community had never deposited money for the taxes paid by that village. I went back to the president, who simply said that he had paid. He could not provide me with any proof of payment whatsoever. In order to avoid being a victim of this nonsense again, I decided not to let our rural fee go through the rural community. I go and pay directly at the treasury of Kolda, I am given a receipt and I leave."

Another head of a village added: "I had a conflict with a rural councillor who, in the same fashion, embezzled the taxes collected. I had collected the rural tax of my village and delivered it to a rural councillor of the village. He did not transfer it to the public treasury of Kolda as he should have. I found that out when I asked him for the receipt to prove that he had duly transferred the tax to the Public Treasury. The councillor had deferred the issue of the documentary evidence of the transfer many times. The people finally learnt that their money had never been deposited in the public treasury. Although the people never held me personally responsible, I was very embarrassed, especially

The few taxes collected are used for dubious purposes. It is true that the rule of non-assignment is mandatory; it is also true that the people should feel the effects of their participation in public funding. Generally, public money is used for prestigious expenditure or political manoeuvres when it is not simply embezzled.

Public services have fallen victim to a similar logic. Here, ***the culture of public service boils down to a politicized and demagogic notion of the common interest.*** Public service here is still unadapted, and is not associated to society; it has substandard performance as a result of excessive centralisation and red tape, a lack of coherence and rationality in the administrative policies and a staff lacking motivation, will and professional ethics.

It seems that the means for recruiting and managing the career of officers in the local administrations is crucial to the perception that people have in Africa of public service and wealth.

When agents are hired and fired on the personal whim of an elected representative and are assessed and treated on the basis of their personal allegiance to him, we can safely say that a civic culture of service and public goods will not be fostered. This situation is exacerbated by the impunity of agents when, with the complicity of the elected representatives, they engage in illegal and uncivic behaviour and practices in the course of their service or to the detriment of public property.

since the name of the councillor who had embezzled the money had to be disclosed. Since then, the section heads, who act as an intermediary with the people, have refused to levy a rural tax for personal purposes. In turn, I no longer dare insist."

"In my rural community," says the head of a village, "the problem is not the embezzlement of public funds. It is that there are no tax dividends in terms of infrastructures and development. In my village, we managed to make people aware of the need to pay their rural tax so that the rural council had the necessary means to carry out its policies. They listened, and the taxpayers became accustomed to paying tax regularly. However, these taxpayers did not see any positive change in their living conditions: health services are not running properly; there are neither enough schools, nor wells, for instance. Today, talking does not bring in money and the people pay their tax on the condition that they must have a tangible and beneficial impact on their lives and satisfy the general interest."

The head of a village of the rural community of Dioulacolon mentions the villagers' lack of resources. "In my village, people mainly earn their income from agriculture. To that end, they deal with the Society for the Development of Textile Fibres (Sodefitex). Sodefitex is a company that advances cotton seeds and fertilizers to farmers. After the harvest, the farmers all weigh their produce. Sodefitex makes a financial assessment and deducts the advance for seeds and fertilizer. Economic relations with Sodefitex are unbalanced and this is made worse by the bad winters that constantly occur. Thus, farmers have entered a cycle of deficit, impoverishment and debt that is increasingly hard to break, particularly because Sodefitex shows no compassion and the state does nothing. Because of our increasing burden of debt, we no longer have the resources to satisfy our basic needs, let alone pay taxes when we do not know what they are used for."

COMMENTS: Clearly, mobilizing taxes in Senegal is a real headache and this case poses three major difficulties:

- The security of funds: The cases of the embezzlement of public funds are countless and are encouraged by impunity for the perpetrators. We can see here that the process by which taxes are collected and embezzled is farcical. Also, the proceedings and the collectors are far from perfect.
- The dubious use of the taxes collected. It is true that the rule of non-assignment is mandatory; it is also true that the people must feel the effects of their participation in public funding. Generally, public money is used for prestigious expenditure or political manoeuvres when it is not simply embezzled.

The taxpayers' state of poverty is also an important factor. Rural communities are mainly inhabited by farmers whose income is largely dependant on the winter season and the market. As a result, taxpayers can barely afford to pay their taxes.

Author: BALDE; El hadji Mohamed DIOP; Pape Mamadou BA - **Organisation:** Dialogue Network on Governance in Africa (Senegal) - **Sources:** PERSONAL ACCOUNT: group discussions between leaders and dignitaries on the occasion of a training seminar for the local leaders in Salikégné – Kolda

Location: Kolda, SENEGAL

Management of natural resources in the municipality of Sikasso

In recent years, there have been significant changes in formulation processes and implementation of policies on the management of natural resources in Africa. The focus was on the transfer of responsibilities and rights from central government to grassroots organisations and local communities.

Central government and donors are increasingly engaged in supporting this transformation process, in particular through the implementation of decentralisation policies that most of countries have now adopted.

This manifest interest in this area is underpinned by a desire to encourage the participation of different players, as a way of ensuring the sustainability of the actions undertaken. Despite this conviction, it often seems that the process used to formulate policies for the management of natural ►►

The Group for Research and Support Action for Community Development (GRAADECOM) is based in Sikasso. It runs a project named "The support project for the adoption of a local agreement for the management of natural resources in the rural municipality of Fama-cercle in Sikasso". It receives financial support from the Programme for Strengthening the Democratic Culture of Civil Society organisations in Mali (PRSC).

The leaders of Fama CAFO JIGIFA Ton have established contact with the members of GRAADECOM with a view to finding solutions to the wrongful exploitation of local natural resources. Causes cited include the lack of local regulations governing exploitation of natural resources; the deforestation of the municipality due to intensive farming; the abusive felling of timber for firewood; the anarchic felling of wood by the woodmen of Sikasso; and the lack of knowledge of the forestry laws by the users of natural resources.

One of the tangible consequences of this situation is the increasing emergence of conflicts between the municipality and the operators, and between farmers who breed livestock and who grow crops.

Goals:

- To support the rational management of natural resources by adopting and implementing a local mechanism to control and exploit the natural resources;

resources draw very little on local practices, which do however offer innovative examples that deserve to be acknowledged and institutionalised. Such situation often leads to a disparity between the content and process of implementation on the one hand and local requirements on the other.

In other words, there is still work to be done to ensure that the commitments entered into by states become effective programmes for returning power to local communities and transferring significant funding to this end.

- To inform people and raise their awareness of the forestry laws and the Countryside Charter governing natural resources in Mali;

Strategies

- A steering committee, comprising four members, two from GRAADECOR and two from FAMA CAFO JIGUILFA TON, has been created;
- An instruction manual has been created and supplied to instructors, and the texts translated have been used during the 44 instruction sessions and the six radio broadcasting/debates carried out;
- The people of the Sikasso *cercle* have become aware of the environmental problem. School committees for promoting the protection of natural resources have been set up in schools. Village committees in charge of managing the natural resources have been established.

Progress made towards the achievement of goals, results and outcomes

We can observe at this level that the people are aware of the risks of the mis-management of natural resources, and have understood the content of forestry laws and the Countryside Charter. They have demonstrated their ability to adopt new practices for the efficient and rational management of natural resources, and to set up a framework of local consultation on the management of natural resources and its application within the municipality of Fama through a local follow-up mechanism. In terms of results, an instruction and analysis guide has been created and exploited; seven school committees to promote the protection of natural resources have been created and are operational.

Effects and outcomes:

We can observe the following effects and outcomes:

- The emergence of an inter-municipal dynamic for the management of natural resources. Community organisations, municipal authorities, technical departments and the Diomatene and Danderesso municipality gathered on 28 and 29 November 2001 to address the management of natural resources in the four municipalities to which the members of the association Fama CAKO JIGILA TON belong.
- Traditional leaders took up the idea of the project and established school committees for the management of natural resources within the villages of the Fama municipality.
- The creation of school committees for promoting the protection of natural resources.

- The support and commitment of the authorities and leaders of the municipalities for the idea of the agreement and their consideration of the criteria for its success.
- Consolidation of an inter-municipal approach for addressing the environmental problems of the municipalities of the former district of Kela.

Author: Sayon KONE - **Organisation:** Dialogue Network on Governance in Africa (Mali)

Location: MALI

An alliance for municipal development

civil society organisations and the decentralised management of natural resources

The creation of six hundred and one (601) rural municipalities in the Republic of Mali has highlighted the dominant role to be played by Civil Society Organisations (CSOs). They actually precede the municipalities — some were created during the second republic — but more importantly, they comprise several leaders who have benefited from the dynamic of cooperation with NGOs to enhance their capacity to organise, structure, manage and formulate alternative policies for local development.

Relations between CSOs and local governments have not always been ideal. It is a *de facto* partnership and cooperation was not obvious. Administrative departments seldom integrated the activity programs initiated by CSOs at *cercle* and *arrondissement* level as much as at regional level, and hampered proper implementation in cases where they did have to take them into consideration. The interests were not always convergent. In order to avoid such situations bordering on conflicts, the Mande Bukari University (CUMBU), the first private University in Mali, in partnership with the Platform of Farmer Organisations of Mali under the auspices of the Organisation of Children Aid in Sahel, Mali (OMAES) and supported by USAID, has started a program for building the capacity of the Decentralised Management of Natural Resources, directed by leaders of CSOs, local elected representatives and agents belonging to deconcentrated state departments in the municipalities of Tienfala, Baguineda (Koulikoro region), Niono (Segou region) and Koutiala (Sikasso region), complemented by an Advocacy Plan.

In Tienfala, the problem is related to the management of the forest reserve, which had a management scheme that, in practice, did not correspond to the needs of all potential beneficiaries. The interest of livestock breeders and women, among others, had not been taken into consideration. It became necessary to reconsider the development plan and reassign the management of the forest reserve to the rural structure that had been created for the purpose. The process was iterative and broadly participatory. The authorities, both at a regional and local level, were amply informed, and they supported the idea of creating a new management scheme with the participation of all players;

above all, they launched an initiative to create of an alliance of CSOs, because beyond the forest, the development of the municipality affects everyone. The Alliance was thus created, and its members received three days of training in advocacy officially recognised by a plan. Requests have been forwarded to certain donors in order to obtain the financial support to review the development plan and fund some field work, e.g. setting up a tree nursery, assigning women to gardening plots etc.

The Alliance of CSOs of Baguineda is in a similar situation, in that it is preparing to renegotiate the management of rice paddies with the relevant authorities through the Rice Growing Program of Baguineda (PRB).

In Niono, the problem is one of managing the irrigation areas with the issue of water bills as a backdrop. In Koutiala, through the SSYCOU and other organisations, consideration is being given to the impact of cotton growing on the environment. This experiment will be extended to other municipalities.

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Organisation: Dialogue Network on Governance in Africa (Mali)

Sources: PERSONAL ACCOUNT

Location: MALI

Rebuilding the state

Nation-states are in a critical situation in Africa with respect to both their sociological basis (territory, population, economic system, socio-cultural system) and form (structures and institutions). The post-colonial state has further weakened the traditional mechanisms of regulation without creating new, legitimate ones. A certain number of specific patterns are characteristic of the evolution of African societies over the past four decades: uncontrolled demographic and social mutations; an inadequate connection to the global market; unbalanced regions, the predominance of the parallel economy in a market economy; identity crises and the re-emergence of conflicts — all this against a backdrop of decay and dysfunctional public institutions. Overall, the state does not address the peoples' aspirations and does not listen or understand, or involve them in decision-making. The hegemonic claims of the state, being more theoretical than real, given its structural and institutional weakness, has degenerated to an acute degree of centralism that promotes institutional monism and 'which negates the pluralism that is a central feature of African societies. The crisis is therefore multifaceted and goes beyond the authority of the state to encompass a larger public arena: the state, civil society and the private sector. What is at stake are the structures, the processes and the institutions around which our societies are organised and which determine models for power-sharing, the distribution of public

resources, and arbitration between the individual and common interest. In this connection we may refer to a **crisis of governance in Africa**.

However, the failure of the state does not mean we should negate it completely. Development could not be planned without the supervision from the state, without it encouraging and regulating economic activity. The highly critical discourse of civil society organisations regarding the state needs to be attenuated. It is utopian to aspire to replace the organising function of the state with spontaneity and community bonds.

Firmly establishing the state in Africa by rediscovering the positive aspects of our past ways of managing the public arena

The thinking behind the rebuilding of African states is framed thus: which form of governance is best suited to the social realities of Africa in an international context dominated by globalization, especially in trade? Discourses have always been based on the problem of rebuilding the public arena in Africa. The concept that emerges is one of legitimate governance, which forces us to go beyond formal legal basis in order to challenge the legitimacy of governing institutions and processes and ask whether the mode of governance is efficient, whether it is understood and accepted by the different components of society, whether it allows for unity

and diversity to coexist. By challenging history means we can re-engage with thinking about with established models of governance. The rupture induced by colonisation caused different models to

overlap, thus creating complex systems of governance ranging from reconciliation to conflict; these conflicts have been illustrated by the range of normative modes of production.

Experiences of rebuilding the state

- Governance as an African concept and practice: revisiting African history to strengthen democracy
- Good governance is not a formula to imposed, rather a tradition that has been jeopardised by African societies and needs to be reinstated.
- The National Domain Act: A misunderstanding between the state and farmers about the status and management of land
- Traditional authorities and institutions as the poor relatives of the Nation

Governance as an African concept and practice

Revisiting African history in order to further democracy

Throughout history, Africa has had various types of state apparatus that were so politically efficient that they could rival the administrations of the European monarchies of the Ancien Régime. Access to power was not only regulated on the basis of strict conditions, but the exercise of power was itself contextualised in order to protect the common interest against ►►

Many aspects of historical research show that numerous social and political formations in Africa had reached the level of state and rule of law, i.e. were regulated and arranged by an accepted convention that legitimated the power of some and established their authority, on the condition that they be subject to this convention themselves. The current debates on governance are nothing new in Africa.

Thus the issue of governance is a concern that dates back to Pharaonic Egypt and that influenced the knowledge, culture, socio-political models and philosophy of Europe, the Middle East and Africa. This explains the uniqueness of sub-Saharan Africa.

abuse and drift. Stringent control, deposition and accountability mechanisms for acknowledged counter-powers were not disregarded.

In many African countries, royal lineage, while necessary, is not in itself sufficient in order to ascend the throne.

It is necessary to be accepted by an assembly comprising representatives of socio-professional and slave categories, various families, local institutions etc. In Senegal these are the PENC Lebou (assembly) of Dakar, the Assembly of Great Electors of Saloum or the

Batou Fountakoobe (assembly of the Inhabitants of the Fouta) from the Senegal River Valley. They work on the basis of elections. The person elected makes a solemn declaration to the representatives of the people in the form of a contract.

Their power is regulated by the assembly for "the Spirit is too big for a single head"; and "power is like an egg, too fragile to be held by a single hand".

These aspects show that power is restricted to a certain extent, as well as shared. Unrestricted governance cannot be good governance. It is in this context that legal regicide is to be considered, as a kind of censure, that leads in some regions to the "suicide" of the sovereign. It demonstrates the concept of responsibility and the idea that the true sovereign is in fact the law of the community.

Another tool used to limit power is freedom of speech, which has not always been safeguarded. For example, under the King of Sosso (at the juncture between Guinea, Senegal and Mali), Soumaro Kante, a terrifying prince who crusaded against Islam at the beginning of the 13th Century, the terror that he inspired was such that if anyone wished to criticise him, they would take a gourd, press their mouth to it, and express their opinion, trapping it in the gourd.

Indeed, public speech, although reserved to certain categories (the Elders, men, princely clans etc.) did open up an arena for contributions from most groups. Certain categories of griots had the privilege of being indecent and saying what nobody else could. These were essentially the king's fools. This was African associationist governance, which prefers to involve all groups as such instead of risking an eruption of centrifugal forces that might be hard to contain.

In political and administrative terms, levels of governance are separated. Some pre-colonial policies in Africa (Ghana, Mali, Songhai, Ashanti etc.) implemented more or less decentralised forms ranging from the autonomy of local structures (provinces, kingdoms, villages and so on.) to the Lébou Federation in Senegal or the Ashanti confederation in what is now Ghana. In all these kingdoms or empires, vassal or defeated countries had to pay tribute and were not integrated. They maintained a certain degree of independence. This decentralised option involves, for these various multi-ethnic entities, mechanisms of prevention and crisis regulation through mutual respect even if the other party has been defeated. The various ethnic communities that must live together also establish different methods to facilitate coexistence by resorting to ethnic and patronymic common ground. In West Africa, this system means that the Haoussa, Dogon, Wolof, Baoulé, Toma, Guéré, Kissi and other peoples can take advantage of distant displacement from the country of origin and adopt the patronyms of their host countries. For example, the name Diop in Senegal becomes Traoré in Mali and vice versa. Relations between cousins are the subject of mythic jokes (in Senegal between the Sereres and the "multi-coloured", Joola-Sereres), which sanctions sarcastic mockery and ends up being genuine fun. This practice is coupled with the absolute ban on shedding the blood of cousins, thus war has no place in these relationships. These relationships between different ethnic communities constitute a true "social

capital" that has always played a decisive role in dialogue between communities, particularly in situations of conflict, and has strengthened the will to live together in diversity.

Colonization disrupted governance

Instead of being an opportunity for Africans to link all the positive internal aspects and all the good African heritage in terms of governance, independence was the starting point on a road towards raw power, which combined the worst of Africa with the worst of the outside world. The functions of the state that Africa inherited were those of a Jacobite centralising state, coupled with elements of the African culture that promote the cult of personality and a concentration of power. The packaging of the system became more important than the spirit that justified the institution: submission to the mother of all laws, the Constitution, the continuity and impersonality of the state, its distance and minimum neutrality regarding the citizens and parties regarded as equal, and respect for the separation of powers. In Africa, the executive often monopolizes everything and identifies itself with the state at the expense of the legislative and judicial.

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Institution: CERPAC = Centre of Popular Research for Civil Action

Sources: Reader report - **Location:** AFRICA; SENEGAL; MALI

Good governance is not a formula to imposed, rather a tradition that has been jeopardised by African societies and needs to be reinstated

Integrating endogenous models when establishing rules must contribute to closing the gap between institutional and social dynamics. What is the place of the different forms of legitimacy (customary, religious and modern) in a project for rebuilding the public arena in Africa? The debate about the role to be assigned to tradition in modern society is often controversial. ►►

Traditional African societies were certainly not egalitarian, but the prevailing socio-political organisations allowed the people to participate in the decision-making process. Thanks to mechanisms for the social regulation of conflicts, they had the powers of sanction by supporting networks of opinion that coexisted with the modern institutions inherited from colonisation. The latter were not the only modes of expression for the authorities. With the development of the "State-Party", these societies have gradually lost their democratic, open principles that governed them. Today, it is disturbing to see the energy and effort (at a financial, human and institutional level) provided by donors (especially by the European Union to the ACP) in the name of "good governance". Disturbing because we know that proceeding thus is

Taking into account the view of the different forms of legitimacy remains vital to the process of rebuilding Africa, by creating a social structure of modern power that encompasses the various vital forces of the nation. However, we persist in thinking that one system excludes the other, whereas in daily life they actually co-exist. Africa has a rich heritage of wisdom and rules for life that every strategy for rebuilding the state should seek to rediscover. In Mali in 1236, the Mandinka Empire that extended as far as the Atlantic coast had already created a constitution: the Kurukan Fuga Charter, which lasted for centuries.

inefficient and may threaten the democratic achievements of certain societies, because of the following: a) firstly, because good governance must be applied across the board, in the sense that it affects all the layers where the participation of the civil society in the transparent management of urban issues is problematic, but cannot be considered as an isolated issue in itself; b) the challenge is to restore the political balance that allowed the coexistence of several traditional institutions (customary and religious) with modern institutions such as the state. In Senegal, the Lebou community was so stratified that it had the equivalent of the three powers: the Executive, Legislative and Judicial, to give just one example. The state is not the sole means of expressing power in societies that have been able to preserve their way of thinking and working. "The power of Culture" opposed the "Culture of the Modern/state-owned Power". In certain cases where the state had admitted its powerlessness to face the depletion of fishing resources, fishing communities were able to impose internal regulations for accessing resources. For example, the fishermen of the Kayar village in Senegal were able to limit the number of fish to be

unloaded by unit of fish and by day, while the fishing administration could not impose such a law because of the socio-political costs that it could generate. With the advent of states and the excessive power that they enjoy at the expense of the population, this balance has gradually been eroded. Decentralisation policies gradually contribute to the destruction of this balance in that the Power of the Central state, by means of its district councils, creates a conflict with the various forms of customary power. The subtle approach of the states in the context of decentralisation leads one to ask what role they should play within EU-funded programmes for good governance; c) finally, "good governance" is in my opinion an attitude, a way of behaving towards the other. It is a question of good faith. It reminds me of the good old debate about issues such as participatory development, gender relationships or environment-related programmes. In recent years, these themes have allowed development players such as the state, NGOs such as ours and organisations wrongly named "grassroots or mass organisations" to access some of the "benefits of the development" without the will to change things. Nobody is ready for a change of attitude and behaviour towards others and the environment.

NOTES: The original text of this sheet was a speech made by the author as part of the EU-ACP forum, broadcast on 30 June 1999 on the Web site of the EU-ACP Public Debate: <http://www.ue-acp.org/fr/forum/>. It was selected for the preparatory dossier in the inhabitants forum that took place in Windhoek, Namibia (12-18 May 2000) as part of the Africités summit. 1999/11/17

Author: Aliou SALL - **Organisation:** Center of Research for the Development of the Intermediate Technologies of Fishing, CREDETIP - **Sources :** ORIGINAL TEXT - **Location:** Kaolack, SENEGAL

The National Domain Act

A misunderstanding between the state and farmers about the status and management of land

The establishment of common rules for processes of deliberation must mark out the path for the various protagonists of the public arena to make joint decisions about the changes they want, distribute roles and implement mechanisms to achieve their objectives. This means that they must rediscover the virtues of dialogue which allowed African societies to progress through the centuries with a certain degree of social and political stability. In particular, post-colonial nation-states must agree to consult each other in order to rethink their colonial heritage and decide what to preserve and what to reject. The law is an example of this heritage.

For more than 30 years, the Senegalese Law 64-46 of 17 June 1964 has laid down an intangible principle: all lands not registered or whose ownership had not been recorded in the mortgage registry after the time set by the legislator shall automatically be considered public property. These assets cannot be transferred or appropriated, unless they are submitted for declassification, in compliance with the procedure allowed by law. This law is actually inspired by African socialism — a sort of a rural communautarism developed by Senghor, the first president of Senegal. It seeks to do away with the customary approach to property which mainly benefits a handful of important families and to put it in the public domain.

This law runs counter to tradition, because although land is an economic asset, there is also a sacred link between people and land. Despite being inalienable in many cases, it could nevertheless be rented or transferred as a heritage in case of death. Heirs automatically succeeded. The national domain act is an attempt to put an end to this. Landowners are aware that modifying the land status means upsetting social relations, because there is a certain link between the land, its function and economic activity. They will try to paralyse it, which is all the easier because traditional laws are better understood by rural people. Moreover,

the state has tried to rush farmers in order to push through this agrarian reform, which, contrary to what has happened elsewhere (Latin America, Asia etc.) was not spurred by the farmers' protests.

In certain zones like the Fouta (Senegal River Valley) where there is a landed aristocracy, the application of this reform is potentially explosive and the spark could ignite the entire valley, that is to say Senegal, Mali and Mauritania where the same families are present on both sides of the border. During the colonial era, they were organised into the Union of People Originating in the Senegal River Valley (UGOVAF) one of whose aims was to protect property. Mauritania (to the north of Senegal) bit the bullet by distributing land among private developers and consequently had to face a bloody crisis in 1989.

The rural communities (local authorities) have had difficulty managing the lands that the state entrusted them with further to this law, because of the coexistence between this form of management and the customary one. Moreover, families that had traditionally owned lands joined the ranks of the political party by rigging the elections and taking control of the rural councils. Thus they blocked the law that sought to deprive them of their economic and social power. Traditional leaders ensured this was watertight by appropriating the local leadership of the ruling party. As a result, the party and the government found themselves in deadlock, since continuing the reform meant openly

attacking the pillars of the parties in rural areas. In this situation, the government opts for self-preservation and tones down its ambition to become the exclusive manager of the land. Indeed, the traditional model of management takes precedence over that which was enacted by the Act on the National Domain, for "the best law is the best known one". Furthermore, this is recognised by Alé Lô, rural council chairman, who settled only about ten of the hundreds of disputes submitted to him. The rest of them were regulated through traditional mechanisms, and were thus not recognised by law.

Author: Sidiki Abdoul DAFF - **Organisation:** CERPAC = Centre of Popular Research for Civil Action

Sources: Reader report - **Location:** SENEGAL

Traditional authorities and institutions as the poor relatives of the Nation

While establishing municipalities could be one way of satisfying the wishes of the majority of the population, the many risks that threaten the decentralisation process and democratisation cannot not be ignored.

At first, authorities and traditional institutions had a perception of decentralisation that was refracted through the prism of the relationships between the traditional authorities that had been in place since colonisation.

Let us briefly recall the nature and development of these relationships in order to understand the main feelings on both sides.

The colonial conquest only became a reality when traditional powers were totally crushed and brought to their knees through the use of force.

Colonial power could only become established and effective once the division and disorganisation of traditional societies had been emphasised. It was then necessary to smash the traditional model of indigenous power by humiliating and imprisoning its representatives.

The collaboration of a number of traditional leaders with the colonial occupier led to their being discredited in the eyes of the population.

Finally colonisation tried to superimpose onto traditional structures a management method that was intended to destroy them completely.

The system was finally established by educating the sons of hostages for them to serve as intermediaries.

The first republic decided quite simply to do away with traditional authorities and institutions. They were considered at the time to be the last bastion of obscurantism and reaction.

The second republic attached little importance to traditional authorities and institutions, which made them even more marginalised and redundant with time.

Traditional authorities ended up being the poor relatives of the nation. They needed to be crushed, removed and held in contempt in order to build and modernise the Nation. The problem of their insertion is primarily a human problem of identity. The psychological climate of this encounter could therefore only be defined by distrust and suspicion, and the situation was highly sensitised.

Traditional authorities and institutions remained effective because very few changes had taken place in rural areas. Their methods were still better suited to the immediate environment.

Villages and tribes were the last groups to be governed by traditional powers.

The foundation of that society had been created and consolidated over time until it clashed fiercely with a culture that had no regard for cultural relativity and civilisation and threw it off course. And yet traditional authorities controlled the cultural foundation of the nation.

All of the traditional institutions in Mali take their common cultural values from social organisations based on agrarian and agricultural economies. Some of the most positive and deeply rooted cultural values are untouched by time.

The political arena of traditional institutions is an extension of the organisation of kinship. This arena is founded on conventions and convenience.

Traditional societies are far from egalitarian or unanimous, but at institutional level they have managed to create political arenas by integrating and ritualising conflicts without excluding any member of society.

On the other hand, traditional societies have managed to integrate power and opposition in the same arena thanks to the dual structure of institutions.

Authority in all institutions is controlled and focused. The functioning of all the traditional institutions in Mali combines the principle of stability with that of movement.

The vertical principle is one based on the inheritance of birthright that forms the basis for the power of the gerontocracy.

The horizontal principle is that which conditions movement and integration, and the participation of all in taking important decisions. This principle is the primary factor in social mobilization. The decision-making process is the backbone of traditional institutions. This process works on the basis of expression, which ensures that there is a will to participate in decisions and determine final outcomes.

The leader of the council is elected by a college and is mandated to implement decisions.

Traditional leaders lose power when they fail to fulfil the mission defined by the community assembly.

The way that these traditional institutions function suggests that they are basically democratic, participative, declarative and non-majoritarian.

Traditional institutions are simple, autonomous structures, but most importantly they have mechanisms for coordination and interrelation, and this 'glue' forges links between the various institutions.

This relationship is present in the smallest and largest institutions. From family to clan, from clan to empire, from tribe to confederation, the same information is shared based on the same culture, the same values of civilisation and the same interests.

Culture is an indispensable instrument

In order to develop the capacity of the population and elected representatives to exercise local citizenship, it is now clearer than ever that only the social model of traditional institutions can save the Malian nation.

The major problem with democracy in Mali has to do with its social, historical, cultural and economic roots. It is based on a political system which has been tried and tested elsewhere but tries to assimilate and reproduce the institutional, administrative and legal techniques and methods in an attempt to create a modern society, by making empirical adjustments to an unfortunately unsuitable, rusty mechanism.

Based on these two major observations about traditional authorities and the democratic context, it is clear that there will be real difficulties involved in the coexistence of traditional authorities and democratic authorities in the same communal arena.

The source of two different types of legitimacy

Traditional legitimacy, based on blood ties and reciprocal pacts remain firmly rooted in local traditions. Such legitimacy is based on solid and flexible mechanisms that have stood the test of time. The principle of competition, a multi-party state, equal rights and freedom of expression are at the heart of the system that establishes modern legitimacy. This principle is foreign to the mentality of traditional institutions, whose cultures do not recognise the mechanisms behind the democratic vote in terms of the sense or meaning of such mechanisms, or their tenets or outcomes. The functioning of modern democracy is not part of their historical experience even if the decentralisation process removes one major obstacle, which is the question of elected representatives who originate from these localities themselves.

Generally, traditional authorities are ignorant of the social, political and economic system that is based on citizenship, democracy and development. Traditional authorities do not expect the decentralisation process to interfere with or duplicate their function, but rather wish to move forward together to build a future for all that is based on consensus, sharing, dialogue and negotiation.

Traditional authorities are expecting a partnership that will involve genuine and effective participation in decision-making affecting their territories

Author: Koufecou A. TRAORE – 6 March 2003 - **Organisation:** Dialogue Network on Governance in Africa

Source: Original text **Location:** MALI

The rule of law deficit: The non-conformity of public decisions with the law

The chosen methods of governance must unite liberal conditions with a balance of players to give the desired results in terms of society, the production and distribution of wealth, regulation and the peaceful settlement of conflicts. Therefore, the nature of this public arena, the rules of the game and their

transparent nature are closely correlated to the conformity of public decisions with the law. This is what constitutes the basis for the rule of law. However, in an African context that is generally marked by the absence of a democratic culture, corruption and insecurity, the law often gets lost in conflicting interests. This situation is made worse by the tendency to have a sole source of power, which leads to nepotism and abuse of all sorts in a context where the low income of civil servants and the lack of state methods of control leave the door wide open to corruption and the abuse of social property.

Experiences of rebuilding the state

- Something's rotten in the "house of justice": when magistrates become judges
- "Shady" procedures for handing out public contracts results in expensive and unusable infrastructure: with the mayor's blessing, a trader tries his hand as an entrepreneur and wins the construction contract for a handball field

Something's rotten in the "house of justice"

When magistrates become judges

Corruption raises the issue of ethics in public affairs.

While corruption is a global phenomenon, manifest in the rising number of scandals in the Western world, because of the weakness and chronic discredit of Africa's institutions and a growing pervasive culture of "resourcefulness", corruption is turning into a pandemic. Corrupt practices undermine the foundations of the economy by corrupting the rules around which it is organised. Corruption weakens the rule of law, because by definition it works against the regulations and standards that govern relations between individuals, resources and activities. One of the primary causes of corruption is lack of democracy. For a long time, a single-party state and the lack of freedom of expression and the press fostered a culture of impunity.

Another cause of corruption is poverty, which, objectively speaking, weakens the sense of morality of the vast majority of the population that has exceeded the acceptable poverty threshold.

The state has made an effort to implement various control bodies and laws have been passed to reinforce coercive measures against mass manipulation and the abuse of public property. ►►

A number of lawyers have chosen to be part of networks with magistrates. When the litigant chooses a lawyer who does not wish to "share his fee" with magistrates, he is told quietly that if he wishes to win his case, it is in his best interests to cut ties with his lawyer and an alternative one is proposed. This alternative lawyer, who is part of the network, takes over the case and obtains the money from his client before "giving account" to the magistrate. This means the case has been won. "Some lawyers bring a bad name on their profession by failing to work on their cases or further their research into legal doctrine or jurisprudence, quite simply because they have a pact with their judge to share fees, and they often make a pitiful defence or produce submissions barely worthy of an illiterate person" declared lawyer Raphaël Ahouandogbo in an article published in Benin newspaper *Nation* on 4 November 1996. Some lawyers employ retired magistrates in their firms. The latter provide all their experience and relationships with young colleagues at the disposal of the lawyers. According to some sources, some of these magistrates "even out" the courts for the firm.

These "agreements" sometimes involve considerable sums of money – tens of millions! A percentage is negotiated in the first instance. Litigants, particularly businessmen, are convinced that in order to win a case, they need money. One lawyer says that many clients ask him: "how much do we give to the judge?" This is often the case in "big-money cases". What is left of the law in these conditions? "Not a lot", says a senior lawyer resignedly, adding: "Sometimes, the law triumphs, but often money and relationships win the day". The protagonists do very well out of this situation and have villas, land, cars and money. The magistrate of integrity – and they do exist – faces a deeply frustrating situation on seeing his colleagues lead a life beyond their means, or certain lawyers who display their wealth with whom he must work every day. Many have already lost their faith in Benin justice according to a study by the ministry of justice. Barely a quarter of conflicts go to court, and almost three quarters of those questioned do not feel that sentencing is just or correct.

But in the absence of a true democratic culture and an independent judiciary, these control mechanisms cannot function and are, at best, used to intimidate potential or open political opponents. It is worth noting, for example, that in Africa the instruments of control that function best are the state police and the border police.

From the population's point of view, if arrested bandits who go to court are released a few days later it is because they have bribed lawyers. Many citizens have concluded that they need to administer their own justice, hence the popular practice of necklacing [which involves putting a tyre round the neck of a perpetrator, dousing him in petrol and setting him alight] deplored by human rights activists. Another consequence of corruption within the judicial system is the lack of security for foreign investors, who fear that if proceedings are brought, their adversaries will buy out their judges to obtain the decision they want.

The law society has sanctioned lawyers for "indiscreet behaviour", while the supreme council of magistrates has cracked down on magistrates

involved in affairs of corruption. "But those who are really corrupt are roaming free. Only those who have not been careful have really been caught" says a man in a black robe.

REMARKS: In our country, Benin, money rules supreme, and as a consequence it takes precedence over all other considerations. In our jurisdiction, it is money which determines decisions and gives them meaning. The result is that people are not longer safe to defend their legitimate right, which leads to more and more private justice (popular vindication).

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Organisation: *COMMUNAUTE VIVRE ENSEMBLE*

Sources: *"Visages de la corruption au Bénin" periodical. - Proximités press agency*

Location: *Cotonou, BENIN*

"Shady" procedures for handing out public contracts result in expensive and unusable infrastructure

With the mayor's blessing, a trader tries his hand as an entrepreneur and wins the construction contract for a handball court

From 1986 to 1991, I worked in Kaffrine as the director of a centre for adult and sports education. I had noticed great enthusiasm, particularly among young people, for handball, as a result of a promotional campaign for this sport at local level. The campaign was all the more convincing because the handball team had won all the trophies at regional level. The only court available in the private state school of the municipality was becoming too small to accommodate all the budding handball players who had been persuaded by this string of victories. The only alternative was to build another handball court.

I had to make an application to the municipal council, which agreed to manage the construction project.

Unfortunately, the construction work was entrusted to a Lebanese businessman who was an entrepreneur only on paper. He had won the contract on the basis of an agreement with the mayor, who was to receive financial compensation. As a result, the site managers were picked from the crowd and had no professional qualifications in that field.

Construction went ahead regardless of requirements in connection with the game, players and public funding. In under two years, the court had been damaged to the extent that it required major repairs, which were only carried out when a new mayor was appointed.

REMARKS: There is no shortage of cases like this one in Senegal, and about a year ago the press announced that a construction project had been given to a tailor. When it comes to executing public contracts, the Senegalese still have many reservations about whether entrepreneurs are genuinely capable of meeting the demands of the specifications. Works are often poorly designed because they are carried out by firms of dubious quality. Public contracts are infected with corruption, bribery and demagogic distribution of wealth which does not ensure that competent firms are selected. Breach of the legal procedures for awarding public contracts is encouraged by total impunity, since those monitoring these procedures are themselves involved in these practices. The state should exercise greater care in procedures for awarding contracts and asking for tenders for constructing public infrastructure. This is particularly important because it affects the trust that the population has in the authorities in terms of public funds.

One solution would be to establish a national registry of all firms that includes a profile of the managers, their technical qualifications and working methods. This would make it possible to locate all legal firms and their lines of business. Incentives and penalties should be envisaged to discourage charlatans from investing in areas which are not their specialisation.

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Sources: ORIGINAL TEXT - **Location:** Kaffrine, SENEGAL

The lack of legitimacy of institutions and public players: meetings the needs and expectations of the population

The fundamental question about the legitimacy of public players is closely linked to the credibility of institutions, the degree to which society can control them and the quality of services they offer to the population. In Africa, the problem lies in the gap between the legal basis for exercising power and the legitimacy that is involved in exercising this public power. Citizens cannot identify with public institutions, which usually ignore them and do not correspond to past and present cultural and social representations. In short, they barely impact daily life. Legislation passed by distant institutions, when no effort has been made to understand the local

sociological context, is simply ignored by the people, who instead develop their own mechanisms for arbitration and regulation. Informal laws are evolving and gaining strength while the state, by purging its sociological basis, is becoming increasingly powerless to influence society other than through force. State accountability to citizens for its acts and to supply quality public services within the limits of revenue from taxpayers is both a cultural and institutional victory in processes of democratisation, education and modernisation of the public administration. Being open to criticism and responding to questions from the public implies individual and collective will as well as the infrastructural and institutional mechanisms that societies acquire to ensure that the legislation passed can be controlled and that the population can access quality information easily, in reasonable time and on a regular basis.

Experiences of rebuilding the state

- The collective fight against impunity: civil society fights back against assassinations orchestrated by the state apparatus
- The Forum for Democratic Consultation in Mali (EID): the government listens to the people
- A laxist civil service: a good civil servant is not one who works more than others but as much as others

The collective to combat impunity:

Civil society fights back against assassinations orchestrated by the state apparatus

The deficiency and ineffectiveness of social control mechanisms for public action (the media, parties and associations) is typical of the public arena in Africa. There are some initiatives that aim to enable emerging civil society organisations to ask relevant questions, and in some countries, arenas for consultation between the state and civil society are emerging and proposing consultative monitoring mechanisms for controlling the quality of the services provided by different parties. These are interesting initiatives, but there is a risk that we will no longer see the wood for trees if we are supposed to be contented merely with local actions which rarely impact the everyday life of individuals and institutions. The muzzling of the press and, more generally, the precarity in which journalists live, make it difficult for this counter-power to express its potential in building an awareness of personal and collective accountability. Schools, which should be a lever in building self-monitoring mechanisms for individuals is in fact only serving to closet individual and collective representation systems, thereby destabilising children further and undermining the process.

An umbrella organisation of large-scale democratic organisations and political parties called the "collective to combat impunity", or simply "the collective" emerged when the people of Burkina Faso had had enough of the totalitarian and repressive measures of the fourth republic.

After the constitution was adopted in 1991 following a revolutionary period of eight years, it was expected that political life would be based on rule of law. Far from it: the usual state violence spread, and was in fact worse than particularly bad years. Violent acts were committed against both individuals and groups. There were political assassinations known as "accidents", embezzlement and severe police repression.

Below are a few examples:

- two pupils were killed by bullets fired by the police forces during a demonstration of high school students in Garango in 1996.
- Auguste Pépin Ouedraogo, an employee of the national electricity company, was battered to death by police officers.
- In 1992, the leader of the main student movement was abducted, tortured and killed. To this day, his parents do not know where his body lies.
- In November 2000, a primary school pupil who had just turned 12 was killed by a bullet during a demonstration of schoolchildren in Boussé in a locality not far from Ouagadougou.
- The driver of the younger brother of the President of the Republic, François Compaoré, accused of theft, was abducted and battered to death by members of the presidential guard.

While investigating this flagrant violation of the right to life, journalist Norbert Zongo was burnt to death with three companions in a vehicle taking him to the village.

In the face of these human rights violations, civil society organisations, including the Burkina Faso movement for Human Rights (MBDHP), the Association of Journalists of Burkina (AJB), the Young Lawyers' Association of Burkina (AJAB), the General Confederation of Workers of Burkina (CGTB) and political parties (the Party for Democracy and Progress founded by the famous historian Joseph KI-Zerbo), joined forces. They formed a group to say "TROP C'EST TROP (ENOUGH IS ENOUGH)" and demand justice, because assassinations were multiplying without the perpetrators being brought to justice.

The "ENOUGH IS ENOUGH" movement held meetings and organised marches, strikes and sit-ins; it made declarations and held protest days called "black Fridays" or "active disengagement". This action forced the judicial system to act and take responsibility. It was then possible to dismantle the presidential guard (which was made up of military men involved in various crimes); to try and sentence the killers of the chauffeur; to create several inquiry commissions, including a commission for national reconciliation responsible for studying violent crimes resulting from political violence and economic crimes (such as the embezzlement of public funds, fraud and so on), and a commission for implementing the recommendations of the college of the sages (which is one of the commissions of religious and customary sages aiming to propose ways out of the crisis); and other commissions.

Under pressure from the collective, the Norbert Zongo affair received special treatment, because an examining magistrate was appointed and had the liberties required to shed light on the murder.

In order to understand why the collective was successful, it is important to understand that civil society in Burkina Faso mobilizes itself when it is in the interests of the majority. There was an uprising on 3 January 1966 that had been initiated by trade unions and toppled Maurice Yaméogo, the first president of Burkina Faso, from power. This date is commemorated each year.

It is also important to mention an external factor, which was the external political pressure and the media coverage of the work of the group by Reporter Sans Frontières, an international association of journalists. Robert Ménard, the secretary-general of RSF, was deported and banned from re-entering Burkina Faso.

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Sources: PERSONAL ACCOUNT - **Location:** BURKINA FASO

The Forum for Democratic Consultation in Mali (EID):

The government listens to the people

In Mali, the democratisation process that began in 1991 opened up new horizons in terms of governance. After the general election in 1992, new national authorities developed initiatives to promote the changes that the people wanted. To do so, it was necessary to find alternatives to consolidate the basis of a local administration by strengthening dialogue between leaders and those being governed.

In this context, the Forum for Democratic Consultation (EID) is an exercise in applying this new strategy for communication between the Government and the people. It aims to give citizens the chance to address ministers directly, since both are in the same room. According to the press, EID consultations have lasted from 10 – 15 hours non-stop. However, such lengthy consultations have not deterred the population from taking a continued interest in its work.

The EID has already lasted seven years. Since 1994, it has taken place in Bamako on 10 December each year, in the form of a forum, involving all members of the cabinet, where citizens can ask them directly about issues they are worried about.

The work of this forum is organised by a Commission responsible for receiving and processing questions and planning the schedule for debates. An honorary jury composed of national and foreign figures, including the presidents of the human rights associations of Mali and Burkina Faso, is put together in order to ensure that the day runs smoothly and conclusions and recommendations are followed up. The work of the forum is followed closely by hundreds of citizens who travel in order to be there. The forum is also broadcast live on national radio and television channels.

The questions the ministers must answer cover all aspects of public life, such as corruption; failure to enforce judicial sentences; the slow processing of dossiers by administrative departments; missed deadlines for initiating certain projects or programmes for development; the transfer of civil servants; the lack of authority of the state in managing matters with national implications; and the handling of conflicts arising from the management of estate in land.

In the Government report regarding implementation of EID recommendations, many of the concerns voiced were subsequently taken up by ministers. However, since it came to the attention of the honorary jury that some issues had been brought up repeatedly at successive EID sessions, it called on the Government and those asking questions to make a greater effort to implement the results of the EID.

For the 2000 session, the Commission received more than 240 questions, 80 of which were to be followed up. They related to some issues already taken up by different departments. 34 of the questions were selected to be discussed during the forum, and the others were rejected.

Having analysed all of the questions submitted to the Commission, the honorary jury declared the classification criteria deficient, as they did not allow it to select a number of very important issues. In their recommendations, members of the jury heavily criticised the poor follow-up of the recommendations made after each EID session.

After the most recent session, the Government implemented the jury's recommendation to set up a permanent commission, responsible for following up the recommendations of the EID, that would involve ministers and representatives of civil society as well as representatives of the jury and the Commission.

Moreover, it was recommended that the EID be institutionalised, given the interest shown by the population and government in the event at past sessions.

The EID is an interesting innovation in terms of democratic dialogue. However, the durability and credibility of the process will largely depend on the capacity of these different parties to take on board and implement the relevant results.

REMARKS: The EID is an exercise that is highly valued by all players throughout the country. Many partners believe that it provides a setting for democratic expression that complements private radio stations and the press. Beyond this assessment, the EID is an exercise which requires members of the Government to listen to the population and account for their actions, thus allowing citizens to exercise their right to Government accountability. However, although the EID has consolidated the basis for democracy in Mali, there is also a clear need to make it part of a more global objective at local, regional and national level. The challenge is to open up other arenas at local level.

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Organisation: Dialogue Network on Governance in Africa (Mali)

Sources: ORIGINAL TEXT

Location: MALI

A laxist civil service

A good civil servant is not one who works more than others but as much as others

Like all African civil services, the civil service of Burkina Faso has difficulty in ensuring that human resources are mobilised.

Certain problems are on a downward spiral: a lax approach, absenteeism, lack of accountability, slow administrative and bureaucratic processes etc. It is often said: "Is this my father's field?", "Why work more than others?", or even, "A white man's work is never done". So no one has any conscience or professional ethics as to providing public service in an effective manner.

And anyway, for whom is public service intended? Who is who?

- A user (who uses¹)
- A parasite of public service (a beggar)
- A client (the person who gives my work meaning).
- A person with the right to enjoy the public service (who actually foots the bill as a taxpayer)

All of these questions lead to perceptions that affect the quality of the service provided.

The civil service in Burkina Faso must wake up and be proactive and productive, because the state itself needs performance and a success culture. It is a rational economic partner that must only be mobilised on the basis of its mandate – a mandate so general that it fails to respond to individual needs.

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Location: *BURKINA FASO*

1 Translator's note: the French equivalent of "uses" can also mean "wears out".

The inability to stabilise the democratisation process

Democracy is a project involving joint and individual autonomy. It requires solidarity between communities and groups based on values rooted in feelings and land, the values of the terrain, and on the alliances that form an inherent part of the fundamental principle of citizenship. In the democratisation process, the state must have the support of individuals and grassroots communities. It cannot be built on the basis of ethnic, religious or regional stereotypes.

In Africa, it is becoming particularly difficult to reconcile group interests with those of the general public, owing mainly to the myriad ethnic groups and cultures that make up its societies. The multi-party regime was supposed to create a political framework

where citizens could give free rein to their democratic rights, while respecting diversity and the need for national cohesion. But in practice, political parties have often mirrored social, ethnic and religious factions rather than attempting to strengthen citizenship and the feeling of belonging to the same nation.

In the early 80s, a current of democracy had swept the continent, taking totalitarian regimes with it. And many countries opened the political field up to a multitude of parties. By the same token, successful examples of democratic change-over (in Benin and Senegal, for example) were the crest of a wave of peaceful changes instigated by governments. In practice, the multi-party system was established while the reflexes and practices of the Single Party remained intact. Constitutions were constantly adjusted to suit the political ambitions of the ruling power.

Experiences of rebuilding the state

- A democracy without opposition
- NGOs as mediators in conflicts between political parties
- Political nomadism: an amoral and anti-democratic practice
- When politics hinder development: based on the demagogic distribution of privileges, corruption, blackmail and lies, politics is a key factor in poor governance in Senegal

A democracy without opposition

Collusion between the executive and the legislature

The principle of the separation of powers between the executive and the legislature is one of the basic rules of the democratic system. But this necessary separation does not mean that these two institutions should ignore each other or refuse to cooperate. On the contrary, it is essential to maintain dialogue between these two bodies entrusted with managing the state. While respecting the sensitive issues that unite them or bring them into opposition, the two powers must be capable of putting the best interests of the nation above those of the party. However, the powers conferred to the executive by the constitution are often so broad that governments behave as if they were still dependent on a single-party system.

Beyond the relations between the executive and the legislature, it is often the very existence of the opposition as a counter-power that is questioned.

For a long time, players have wondered how the Malian political scene could have arrived at a democracy without opposition. This deficit had gone unnoticed until parliamentary structures were established. However, it is a fact of Malian democracy that the parliamentary institution, after much procrastination, finally showed its true colours to all and sundry by leaving no place for opposition. And yet this is how affairs are being run: the government is now into its third five-year term of office of the democratic era, without the foundations of parliamentary opposition having been laid.

As has often been explained, democracy is necessarily the management of power relations. All over the world, it is based on the values that make it universal and establish it firmly within the population. The originality of the democratic process, although it is becoming more common in countries such as ours, cannot destroy its political basis in case it gets trapped in a mediocre conformism that would destroy the framework of the political system. Where does democratic innovation come from?

After setting up the Parliamentary board, members of Parliament promised a consensual spirit, which had prevailed throughout negotiations, to achieve a parliamentary configuration in which there was room for everybody. Some of those who were delighted with this unanimity have stated publicly that there is no opposition within the parliamentary institution. Some parliamentarians even called on constitutionalists and other seasoned political scientists to examine Malian democracy, whose characteristics could only be analysed objectively, in their opinion, against the yardstick of innovative

principles and approach.

Having recalled the basic principles of the ARD coalition, the elected representatives of the outgoing majority began to favour the new President of the Republic by strategically positioning the ARD group, which has fought and lost recent elections, and was at that time making a spectacular shift that would blur the boundaries of the political scene. The fear of opposition took hold in the camp of the former ruling party, although it had plenty of ammunition for mounting a determined opposition for the sake of democratic progress.

In fact, the ARD and its major rival Espoir 2000 were the two political giants according to which the majority and parliamentary opposition were to be regulated. At any rate, these rivals on the political scene threw themselves headlong into the electoral battle for this political issue.

Even before the general election stand-off, public opinion was that representatives from both political blocs were clearly set to win a parliamentary majority that would support the actions of the president-general, and that this majority should put together after the elections. Indeed, following the result of the general elections, leaders from both blocs threw their full weight into a fight unto death to secure this parliamentary majority.

In this turbulent political context, these two giants, with their different fortunes, literally mounted an assault on the national front in order to win the number of seats required for parliamentary leadership. During this game of political ping pong, friends of the President of the Republic, General Att, who were committed to providing their idol with a comfortable majority, played wait-and-see until the breakdown of negotiations. In reality, those close to the new President of the Republic, far from basing their action on majority participation in their attempts to forge a stable majority for the President, have exerted their influence on the political context in order to cloud the horizon of political negotiations, particularly since the two main parties were unable to set themselves up alone as a dominant force in the chamber.

It is, of course, true that the majority benefited the regrouping of the Espoir 2002 parties, which led in the vote, but it could not reasonably detach itself from the central bloc without the support of the friends of the President who, despite a feeble electoral performance, managed to hang on to their role as referee following the result of the general elections. The Espoir 2002 group, which had intended to collaborate with them in order to ensure a landslide victory in the presidential elections, soon became disillusioned with its political intentions: the support of the two political entities for General Att, which had even doubled because of the majority in favour of Espoir 2002, was not enough to constitute a true majority to serve the democracy.

The political scene is therefore dominated by a head of state who ruthlessly pursues his wish to cast everyone in the same role. Att, as he said on many occasions, intended to govern the country with an elected majority. Since the electoral reality did not reflect this political ambition, the President returned to his first loves: bringing Malians together without exclusion. The ideal solution, we were told, was to consider a type of open government that would include the entire political spectrum of the country. It is as if the general elections had no political significance.

Listening to political players, it seems that Mali is on a new path of democratic innovation. A democracy without opposition, since politicians are loathe to oppose. Is the upturn in political discourse a sign of a living democracy? When considered in this light, isn't consensus more the failure of democratic spirit?

In the final analysis, this will not become a political concern in our country while the principles uniformly agreed on hold sway. As long as everyone is satisfied.

REMARKS: In practising republicanism, as in all democracies, the balance of the institutional scene is based on the two pillars of democracy: a managing majority and a parliamentary opposition that acts as a vigilant sentinel.

Many observers can see no opposition to the President of the Republic, particularly since all those who supported him or fought in the elections have said that they are prepared to support him.

However, these observers had envisaged an opposition within the chamber once it had adopted its structures. Today's situation is a far cry from that prediction: there is no opposition to be found anywhere in Malian politics. Political players wanted to innovate without knowing where this originality would take them.

It is as if a democracy can be run on a whim.

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Location: *MALI*

NGOs as mediators in political conflict

The difficulty of establishing civic control over the mandate delegated to public authorities (a representational democracy)

One of the founding principles of democratic systems is the delegation of power, by which the citizen makes a sovereign decision to confer on an individual or institutional public player the responsibility of taking decisions in his or her name. This transfer of responsibility functions according to various modes (a vote, appointment) and means, where one of the most important requirements is the capacity of the citizen to question, at any time, the mandated person about the use he or she is making of the powers conferred. In society, this power of control must be organised by mechanisms and procedures that are equally accessible to all sections of the population. The feeling of powerlessness to do anything about impunity discourages citizens from standing up to all types of abuse in which they are involved or feel powerless to prevent. What is worse is that there is a strong temptation to ask: why him, and not me?

In March 1991, the military regime that had been in place for 23 years was overthrown by a coup, thus creating a transition Government and a national conference.

Mali was entering a new era of democracy.

People became more outspoken and civil society grew with a plethora of organisations, NGOs, newspapers and radio stations and private consultancies. This political and administrative transformation led to social upheaval.

In 1992, the transition Government organised its first pluralist elections, the results of which were accepted by all of the players in the electoral process. In 1997, the Third Republic organised elections that, unlike the initial set, were controversial. The first round of legislative elections on 13 April 1997 was cancelled by the constitutional court, and some of the political classes separated themselves from the process. The country went through testing times that jeopardised peace and security.

Transparent elections accepted by all are, in all countries, a sine qua non for a sustainable democracy in which all players can have their say. Training, education, awareness-raising among citizens, political leaders, women and young people – all of these form an ideal framework for exchange, tolerance and transparency, and a motivation for commitment and responsible participation.

The NGO-AREC-DEV, aware of initial stumbling blocks, launched a project together with its development partners to train people in the electoral process in the urban municipality of Tombouctou the Mysterious. In Tombouctou, there is a terrible atmosphere between the ruling party and the opposition. In urban areas, the population is on the brink of war and a spark could ignite the whole city.

It was against this background that I, a native of the town, arrived at the airport one morning in May 1997 to coordinate the training process on behalf of civil society (NGO-AREC-DEV) in the hope of relieving the tensions between the political players, who had each shut themselves in an ivory tower and refused to engage in dialogue with the other side.

My presence in the city at those moments of anticipation to talk about a taboo subject produced both doubt and hope and I was asked questions with several possible answers:

What is to be done? On both sides, speculation was rife. Most of my relatives, some of my best friends. Coming from the majority party, some were glad to see me without even understanding anything or being sure that I was committed to defending their cause. The others, particularly those from the opposition, adopted a more discrete approach and quietly tracked my comings and goings and my contacts.

As for my team and myself, were calmer and navigated both of these lukewarm seas. Since we were from civil society and had no plans to acquire power, we had to adopt a transparent, loyal, egalitarian and independent approach to the parties. To avoid any fatal error, we solicited the services of a useful contact renowned for his independence and loyalty to the community. This venerated patriarch acted as a mediator and moderator throughout the 4 months of the project.

Gradually, suspicion, worry and tensions began to dissipate. The inhabitants of the urban areas opened up to the training and awareness sessions, and dialogue began within the community and among political leaders, those of all leanings, but also among militants, who agreed to take part in mutual respect for different electoral outcomes.

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Sources: PERSONAL ACCOUNT **Location:** MALI

Political nomadism: an amoral and anti-democratic practice

The proliferation of political parties in Africa is not necessarily a sign of a healthy multi-party system.

In Burkina, with the "parties created for elections" and those "created externally", it is necessary to raise questions as to the consistency of certain political groups. In Senegal, fragmentations of parties is more due to individual or joint strategies regarding political transhumance and post-electoral alliance: parties form when elections are held and rapidly merge into the winning camp, gaining a position of responsibility. Citizens are not sufficiently educated on the meaning of the electoral cards they hold.

They do not apprehend the entirety of the power conferred to them and the consequences resulting from the way in which they make use of this power. Multi-party systems without education and without political awareness contribute to a decline in democracy.

Political nomadism is tending to become a culture, as a result of the decline in moral standards and the prevailing illiteracy which have been typical of the elected representatives of the Republic of Mali for the past 10 years. Indeed, some representatives publicly justify their nomadism by the nature of their mandate, which, as we know, is not binding. This reasoning cannot be maintained from a point of view of eligibility for election and republican practices.

Article 64 of the Constitution of Mali, on the mandates of parliamentary representatives, provides that: "Any binding instruction shall be void". This Article is a vestige of the French Revolution in 1789, preferring the representative mandate over the binding mandate.

Once they put paid to Louis 16th, the French revolutionaries were soon faced with a dilemma: should binding mandates be established, and by this expedient enable the people to instruct their representatives as to how they should vote? Or, on the other hand, should representative mandates be established, thus freeing representatives, once elected, from any voting instructions from their base.

If binding mandates were adopted, the bourgeois, the true architects of the Revolution but nevertheless the minority, would lose power to the innumerable masses of commoners.

With representative mandates, however, these commoners would certainly participate in electing representatives, but after this, they would not be able to enforce any other votes on them, thereby strengthening the bourgeois power.

So this is why representative mandates, preferred by the powerful bourgeois minority, took preference over binding mandates, which would have enabled the domination of the proletariat.

In practice, these representative mandates straddle democracy and the very notion of the people. There is no better description of the insidious, anti-democratic philosophy underlying representative mandates than the following comment by the inveterate bourgeois Baron d'Or Bach: "By people, we do not mean an imbecile populace, which, deprived of enlightenment and good sense, could, at any time, become the accomplice of the powers which destroy society".

Representative mandates thus decimate the power of the people who, in the end considered as stupid and irresponsible, are only consulted as a democratic pretence. But this mandate still has the merit of only being bound to votes and not people: it is clear that under the blanket of the representative mandate, representatives vote as they wish in parliament, but does this give them the right to be elected on a political party list and to break away from this party as and when they please?

The answer is a point-blank no. This causes unhealthy confusion between the representative mandate and the betrayal resulting from nomadism.

Suppose, as has already occurred, a representative signs up to a party list, is elected and then, even before the first parliamentary session, he leaves that party to join another.

Our nomad representative cannot pretend to justify his attitude by way of some application or another of his representative mandate: he is simply a traitor. He not only makes a commitment of moral liability before the nation and his own conscience, but also one of civil or even criminal liability.

As this matter has never been submitted to the courts, hardly any relevant case law exists. Having said that, several principles and legal provisions make it possible, on a civil level, to seek damages and transferred interests.

Since he disassociated himself from his original party before any session or political crisis, this representative can only have acted in bad faith, with the intent of harming the party. He has indeed harmed his party which has invested millions into his election, cannot find a replacement for him and, as a result, loses any chance of gaining power. The party being a legal entity with the power to instigate legal proceedings to defend its rights and interests, is certainly entitled to invoke the damages lost and the correlation of these damages with the deliberate transgression of duty of its member in order to seek redress, as this is tort under Article 1382 of the Civil Code. If the court grants the application, the representative will be sentenced to making good any and all damage caused, and there is a strong likelihood that his compensation payments and all his goods will not suffice.

From a criminal point of view, Article 120 of the Penal Code stipulates that: "The request or acceptance of offers and promises is punished by five to ten years' imprisonment and a fine of double the promised value or goods received, where it is committed to:

"carry out or abstain from carrying out an act relating to his office as a civil servant of the administrative or judicial order, holding an electoral mandate."

Article 122 of the same Code sets out: "The use of threats, violence, promises or offers in order to achieve or abstain from an act, i.e. one of the advantages or favours provided for in the previous Articles, shall be punished by the sentences against the person corrupted as described in Article 120".

As a result of a combination of these Articles, if the representative vested with an electoral mandate accepts offers made in order to corrupt him, he will be sentenced to five to ten years' imprisonment, as will the public official having made the corruption offers.

According the rules of democracy, any Minister of the Republic accountable for acts which do not comply with the enactments, and all notoriously corrupt representatives must be prosecuted, either automatically or further to complaint of the parties which are victims of the wrongdoings.

Representative mandates cover votes, but they do not cover up immorality.

In Mali, democracy is no longer a question of conviction based on a societal project, but on buying appreciation and on personal interests in connection with belonging to such and such a political persuasion.

This being so, politicians reveal their personalities to be increasingly frivolous and immoral, disregarding democratic values and the motivations of their electorate.

Unfortunately, lawyers are too caught up in this political game in Mali, but it would be helpful if they were to take a greater interest in this issue of nomadism amongst representatives, in order to deal with these deviances.

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When politics hinder development

Based on the demagogic distribution of privileges, corruption, blackmail and lies, politics is a key factor in poor governance in Senegal

Disaffection with politics

"Political parties contribute to the expression of political suffrage." This sentence can most probably be found in all the constitutions which recognise the multi-party system. It is a huge responsibility which should bestow political parties with important duties and rights regarding the political stability of the country, education and citizenship,

►►

Amadou Ndiaye, a local councillor, gives his view of decentralisation:

Originally, we failed at giving a meaning to politics. We didn't have a political culture. Politicians had to be well-off to cater to the particular needs of the citizens, at the expense of general interest, as we didn't see development as a product of politics. Politicians took advantage of this to recruit activists with money.

Indeed, it's the political system in itself which made this possible. Take the socialist party, for example, which led the country for 40 years. To renew the party's bodies, they used a system of "placing cards", as they called it. In theory, this meant the party put the cards of its members throughout the entire territory up for sale to all the activists and followers. Purchasing the cards gave the right to vote

and monitoring the state of democracy.

Political parties should be springboards for new political, economic and social thinking. It would appear that the image associated with politicians is negatively charged. In public opinion " ...politics is by definition the stuff of falsehood, lies, deceit and betrayal... and illicit enrichment which goes unpunished."

within the party, insofar as they proved adherence to the manifesto and structure. Thus, activists and followers could invest in the people of their choice for their local area.

In practice, however, the activists and followers never bought any cards. The party nominee bought up as many cards as his finances allowed and then "distributed" them amongst the activists and followers, with, of course, a sum of money for those who took the cards and voted for him on election day.

As these activists received money from the start, they became blinkered by this and made it the rule of the game. Whenever there

were social problems, they went to see the political leader. This leader also felt obliged to meet social demand in the thought that if he didn't, these activists would go to other leaders from the same party or simply head towards other political parties.

So it is all skewed from the start. It starts off on a bad foot. The entire system needs changing, and unfortunately, since the political changeover at the head of state you can see how the people have moved over to the new President's party. And it's not out of conviction, otherwise they would've done it beforehand. They do it out of their own interest. At the palace, the activists come and go like at a market, and the President of the Republic gives a sum of money to each group, discreetly calling it "transport fees". Recently, activists even fought each other at the palace to get this money.

Mentalities are under-developed and need to be changed. People should vote for politicians who will think and act on behalf of development and not to pay their own bills and fees.

Otherwise, we need to start asking some questions. How will a mayor manage his allowance of 50,000 CFA francs if he has to help each citizen with his family ceremonies and social security costs? If he is rigorous, he will use up his allowance and have nothing more to give, or he will look for other means, even illegal ones, to respond to the individual canvassing. Worst of all, all politicians will tell you that they are obliged to do this, because if they don't someone else will, and will thus win the elections.

Let us stick with the example of Khombole, whose current mayor played an important role in the running of the state before working as an ambassador for 20 years. It was the people themselves who sensed and requested that he become mayor, and politicians who went to find him. One could assume that this request was based on this man's aptitudes and experience, so that he could resolve the problems in Khombole. But no, the people rather believed that his high-ranking position would have made him rich enough to be able to give them social aid. It's a real curse in Senegal; people don't think of general interest, they just think of themselves.

If politics is perceived by everyone as a means and value for managing development, this is precisely because of its objective, i.e. to ensure the well-being to which all human beings can legitimately make claim when progressing from the state of nature to social life, as Rousseau would have said. Most certainly, fulfilling this

objective presupposes at the very least a meaning to life in society, plus beliefs, choices and morals. These prerequisites generally refer back to general interest, citizenship, freedom and virtues.

In Africa, particularly in Senegal, politics negates all of this. Here, politics goes against development. First of all, the relationships between individuals and politics are a mockery. From the beginning there are two distinct groups. The first is formed by politicians caught up in a frantic search for power and money, determined to benefit from the state and politics for their own personal ends. The second consists of needy people, not only in terms of material goods but knowledge too, who are worried about the problems of surviving from one day to the next. The first point of contact between these two groups involves money. As the abovementioned example illustrates, you need to have money to be elected in the first place. You then still need money to gain activist loyalty. Money also becomes a fundamental element regulating relationships between politics and citizens at the expense of a development-oriented society that benefits all.

This demagogic distribution of privileges and social extortion have become "institutionalised and official" in Senegal. Indeed, the representatives' salary doubled recently, justified by the President of the National Assembly, and with him the entire political class, in that the MPs, and thus politicians, need to meet the social demands of the activists. At another level, i.e. the presidency of the Republic, it is well-known that "slush funds" are generously distributed amongst staunch enthusiasts and sycophants of the regime. In general, the poaching of politicians by opposition parties is always accompanied by deals amounting to millions.

In such a context, what kind of value does a conviction, ideology, social project and joint commitment have? The answer is none! Absolutely no value at all!

It follows that politics is by definition the stuff of falsehood, lies, deceit and betrayal. In short, it is a domain lacking virtue, where everyone seeks individual benefit and illegal enrichment without being punished. This idea is all the more common, as in Senegal, counterfeit products (such as jewellery or handicrafts) are called "politics". This reflects all the connotations of this word as a result of general practice. Furthermore, anyone affirming that things should be different is seen as a deviant.

For as long as the situation remains as such, politics will be the main obstacle to progress in African societies. It is certainly this factor which leads some people to ask whether "Africa is refusing development."

Author: *Falilou Mbacké CISSE* - **Organisation:** *Dialogue Network on Governance in Africa*

Sources: *Interview with Mr Amadou Ndiaye, local councillor*

Location: *Khombole, SENEGAL*

Can decentralisation and integration found a project to rebuild states in Africa?

In the eyes of various social groups in Africa, decentralisation and regional integration appear to be methods of reorganising the public arena at various levels (local, national and regional), capable of giving rise to new modes of governance which are more participative and better adapted to the national and global economies.

Even so, the experiments conducted in these fields stumble over a fundamental obstacle: the gulf between institutional and social dynamics. Political and institutional reforms carried out without any real intelligence as to the various sectors of the nation, the methods of regulating society to which the citizens mainly refer, the secular processes of exchanging and managing shared resources, prevent them from taking firm root in society. Decentralisation does not simply boil down to transferring power from the state to local authorities; it is only really of interest if accompanied by new forms of relationships between public authorities and society. And the re-legitimisation of sociological

territories should be at the heart of a political regional integration project.

In general, the participation of individuals and communities in political decision-making processes at district, village, city and regional level is expected to help reinvent new forms of solidarity and to give more scope for freedom of initiative to citizens. Decentralisation and regional integration processes must contribute to creating a context which is more conducive to a fairer distribution of development responsibilities between the state and the other players in the public arena.

And at the heart of political reforms seeking to implement decentralisation and regional integration processes, it is crucial to associate the various levels of governance. The main purpose of active subsidiarity is to create greater coherence between the various levels of government within the state. The virtue lies in a concerted effort to think and to build bridges between all levels of public action. What is needed here is a distribution of responsibilities between the various levels that encourages and compels joint and combined interventions. This is how decentralisation and regional integration should be perceived as methods of rebuilding the state in Africa.

- The weekly subregional market in Diaobé: a popular integration process hampered by local and administrative authorities
- Africa's approach to the challenge of regional integration
- Turning village development into regional development: *a village-based association carries out a feasibility study for a dam bridge, then hands over development to the state*

The weekly subregional market in Diaobé

A popular integration process hampered by local and administrative authorities

Diaobé is a village in the Kolda region of southern Senegal, situated around 60 km from Guinea-Bissau. Once a week, on Wednesdays, Diaobé plays host to a meeting not only between all the regions of Senegal, but also of all the neighbouring countries. Its strategic geographical location makes it a real commercial hub, bringing together people from Gambia, Guinea Conakry, Guinea Bissau, Mali and Burkina Faso to sell, trade and exchange all sorts of products.

The constancy and extent of this intense economic activity in Diaobé has encouraged the development of complex, socio-cultural integration processes, instigated by the weekly subregional market.

Many traders turn up and as time goes by they end up settling down once and for all in Diaobé, even though they have ties to their home countries. So, many Guinean and Malian children go to primary school in Diaobé. There is even a young Guinean girl who was accepted in first year of primary school on the basis of a simple reading test. Dual-nationality marriages are celebrated regularly. The main language is Peulh, but all the languages and other dialects of the subregion are also spoken. The village elders testify that most of the inhabitants in Diaobé have relatives in one or the other of the adjacent countries. This shows that the village attracts people from neighbouring countries, just as villagers from Diaobé emigrate to these same countries. Thus the process works both ways. It is completely natural here that all Senegalese families from Diaobé show affection and respect for Guineans, Malians, Gambians or Burkinans.

Diaobé has grown at such an astounding rate that the village leader is incapable of even estimating the number of inhabitants. Diaobé is thus stealing the show in terms of economic, social and cultural development from Kounkané, the administrative centre of the *arrondissement*.

The desire of citizens from adjacent counties to settle in Diaobé is coupled with the Senegalese families' desire to welcome them and live with them in perfect harmony.

Nevertheless, these citizens from neighbouring countries are facing a real problem of land access. Diaobé is not divided into lots; there is no electricity and a distinct lack of arrangements for accommodation, despite the importance of the weekly subregional market. Traditional land owners are always willing to give up land for people wishing to settle in the village, but the administrative and local authorities, which have the power to allot and take away nationally owned land, oppose this for no apparent reason.

And so the inhabitants of Diaobé share their houses with their brothers and sisters from other countries. One elder tells of how he has accommodated a family of migrants for eight years, even though there are a lot of available plots of land in the village. It follows that people live in very crowded and insecure conditions. People cram into huts in excessive numbers. One of these huts recently caught fire while ten people were sleeping inside.

Whenever possible, these villagers make sacrifices to build and consolidate an integrated and homogenous whole. For example, the President of the local Parent-Teacher Association agreed to give up his ancestral land so that a new market could be built. He was neither allotted a new plot of land, nor given any kind of compensation. Today, he is even being hassled by the sub-prefect regarding the new land he occupies.

In spite of all these difficulties, the Diaobé villagers believe more than ever in integration and intermixing. This conviction was consolidated even further when the conflicts broke out in Guinea Bissau and Sierra Leone, during which the village took in hundreds of refugees. Everyone felt that it was perfectly normal for the refugees to come and seek safety in their village. As a result, they were all accommodated. But once again, the local council and sub-prefect are against these refugees having access to land for living. Some were thus forced to leave because of their living in such precarious conditions.

Author: Pape Mamadou BA; Demba KEBE

Organisation: Dialogue Network on Governance in Africa (Senegal)

Location: Senegal; Guinea; Guinea Bissau

Africa's approach to the challenge of regional integration

Africa, the poorest continent in the world and yet so rich in potential, is continuing to be a theatre of the most unimaginable horrors and atrocities. Armed conflicts due to intolerance present a daily threat to peace – something which is a *sine qua non* condition for any development effort to be a success.

What are the underlying causes of these endless wars on a continent which should rather nurture the spirit of peace every day? To understand the African disaster, we have to cast back to the origins of the bitter devise. Indeed, at the Berlin Conference in 1885 and following the Second World War, the major powers divided up the world. Kingdoms, states and communities were established arbitrarily.

Within these groupings, there was already a certain, equally arbitrary form of segregation imposed by the winners of the war.

From 1960 onwards, the so-called independent African states were divided up once again and borders were imposed on them. There have been problems of territorial integrity and the desire for national unity ever since.

This living constraint, imposed on Africans according to the colonial forces' wishes, was the result of one simple calculation: they had to be divided up to be more exploitable, especially in terms of their natural resources.

Very quickly, the laws and institutions were designed to better regulate the exploitation of Africans.

Racist and xenophobe ideologies began to take hold in African states, which already lived in a state of total jingoism.

The idea of being a leader, commanding a well-contained territory, leads to exclusive power, the consequences of which include corruption, nepotism and abuse of power, all of this supported by foreign powers hypocritically calling for the establishment of human-centred democracy.

While African conflicts may benefit those who cause or lead them, they destroy, on the other hand, the future of Africa, which only wants peace in order to better manage its development projects.

For the past 30 years, Africa has experienced over 50 armed conflicts, whether called rebellions, mutinies, wars or so on, the most recent examples being in the Democratic Republic of Congo, Angola, Ethiopia, Sudan, Nigeria, Cameroon, Sierra Leone, the Central African Republic, Liberia, plus the current conflict in Côte d'Ivoire.

These cost the continent dearly: thousands of deaths and refugees, displaced persons, compromises made to development efforts, debt incurred to support wars and buy arms, destruction of the economic fibre, the spread of endemic diseases (AIDS, malaria, meningitis and tuberculosis) and the destruction of the social, natural and economic environment.

Will Africans realise by themselves the extent of this drastic situation in order to take hold of it?

The governance dimension of NEPAD should provide a few glimmers of hope. Peace is an essential condition for development, and without peace there are no prospects for Africa.

COMMENTS: Wars darken the development horizons in Africa. Regional integration, which is recognised as one of the most appropriate ways for African countries to escape their under-development, is subject to severe tests or has even been compromised as a result of the increase in hotbeds of tension throughout the continent.

Upon closer analysis, these conflicts are imposed on the African peoples by leaders who lack legitimacy, in order to distract them from the development and democratic management objectives.

It is for this reason that an awakening amongst the peoples runs the risk of being abrupt and even fatal for many "Leaders", still cloaked in outrageous nationalism and autocratic management of power.

Author: Issiaka CAMARA - **Organisation:** Dialogue Network on Governance in Africa (Mali)

Sources: ORIGINAL DOCUMENT - **Location:** AFRICA

Turning village development into regional development

A village-based association carries out a feasibility study for a dam bridge, then hands over development to the state

People from the four villages of Finadougou, Balawoulena, Sindougou and Kanibala have come together to set up an association called "FIBASIKA".

The registered office is in Bamako, but the association comprises people from the four villages who live in Mali and abroad.

The main objective is to create solidarity between the people from the areas in question, wherever they may be. It also aims to raise awareness amongst people from the four original villages about their self-development as well as about issues of national and subregional interest, such as decentralisation and subregional integration.

In line with these ambitions, the association undertook measures with a view to raising the necessary funds to build a dam bridge in one of the villages. Using their own funds and with support from villagers, the association hired two specialist technicians, who came to the area to carry out the topographic surveys. They also drew up a technical plan for the project and handed it over to the association, in whose hands it currently remains.

Convinced that this document was of high technical quality, the association leaders took the necessary steps with the local authorities in Koulikoro and the heads of Opération Haute Vallée du Niger (OHVN) to have their project included in the priority development initiatives for the coming three years. And so this initiative was included in the Koulikoro regional development programme and the OHVN's intervention programme for the area.

The hope born out of the interest shown in this project by the Koulikoro local authorities and heads of OHVN is huge and is inspiring real hopes in terms of development. The rallying of all the players involved is already under way, as they are waiting for their dream to become a reality, i.e. for the Tema dam bridge to become part of the village in two years' time.

COMMENTS: Faced with an economic crisis sweeping across the entire state, which in turn is increasingly withdrawing from most of the country's development sectors, the inhabitants and people originally from these four villages became aware of the need to rally together to take the development of their local areas into their own hands. But given the huge cost of such a project, the state needs to support citizens in such development projects.

Author: *Falaye DOUMBIA*

Organisation: *Dialogue Network on Governance in Africa (Mali)*

Sources: *PERSONAL ACCOUNT* - **Location:** *Koulikoro, MALI*

Regional integration

The issue of regional integration recurs time and again, as the regional ideal is not a recent phenomenon. Already at the time of independence, certain political leaders, such as Nkwamé Nkrumah, to name but one example, made regional integration their creed, bringing it to the founding summit of the OAU via the Groupe de Casablanca.

The notion of integration is perceived differently by players (politicians, traders, social organisations, citizens). However, in several regions, shared cultural bases can still be seen, acting as powerful pivots for the integration process. Indeed, by way of shared cultural values, these peoples present provisions which are conducive to integration and which are strengthened further by similar socio-economic conditions characterised by the profusion of difficulties. States have not been left behind, as several grouping attempts have emerged, but most have resulted in failure. Today, the integration issue is at the heart of debate regardless of player (state, civil society, private sector etc.). Integration calls for the convergence and inclusion of players' interests and perceptions, but it must also be rooted in an endogenous socio-economic/cultural base with the exterior being a supportive and not a decisive factor.

This being so, integration should not be considered in simple terms as an abolition of national borders, and Africa should not be reduced to a mere annex of the global market. The regional integration process

rather aims to build a community of interests. It should ease the promotion of agriculture capable of meeting basic needs and yielding a surplus not to mention the creation of basic industry, communication infrastructures and technology, all of which would not have been possible at the level of isolated national states due to their lack of financial resources and their insolvency. This handful of preliminary observations lay the foundations for and justify community construction. It would nevertheless appear that the regional ideal pursued by integration efforts until now has resulted in failure, and this raises certain questions.

First of all, we must ask ourselves what we understand by integration, bearing in mind that debate on this matter is not simply semantic and theoretical. Is integration about a union, a common market or simple cooperation on a one-off, economic or sectoral basis, restricted to economic ends? Or is it more fundamentally a real political union whose ways and means are yet to be defined?

The second question is related to the problem of integration. The essential problem at the crux of the debate is whether integration should be a means or an end. The observation we can make on this point of view is that all the experiences to date have made integration a means to achieve a specific end, i.e. development. The result is very simple, i.e. manipulation and voluntarism without a hold on reality; heads of state who leave never-ending meetings with a great deal of optimism, followed by little action; excessive government control and

mimicry. If we agree on this observation, then we must found this problem in terms of ends and we could raise questions as to the consequences of this choice.

Excessive government control stemming from voluntarism has lead to a situation whereby states are practically the only players on the stage, whereas it is surely unrealistic to deliberately ignore the peoples. What could the citizens' role be? Should they not participate in the dismemberments of the state? Should the current intergovernmental organisations not be reviewed? What position is left for social and professional organisations?

The process of community construction thus raises various major issues, four of which are as follows: the unification and enlargement of markets; free movement of persons; crisis management and building peace - which impact regional security - and strengthening regional players.

The unification and enlargement of markets

Faced with the challenges posed by globalisation, Africa has no other alternative than to create

economic groupings, following the example of other parts of the world, in order to develop and participate in the new global system by demonstrating global economic competitiveness. This is a complex process during which free protected zones will be built, by adjusting certain major legal and fiscal determinisms. As regards legislation, the targeted spheres are broad: the right of establishment; movement of capital; taxation of savings, of transferable securities and other financial instruments; adopting a common investment code, and indirect domestic taxation. Furthermore, organising the convergence of performances and national macro-economic policies will require economic policy directives and legislative criteria to be adopted, as well as a common monetary policy, compatible frameworks and harmonised statistics. These are restrictive measures, the social cost of which is obvious. They require a combination of the minimum conditions of participation, of involvement of the people and of political and institutional stability. This means that the states committed to this process must at the same time be just as resolutely committed to a process of general democratisation in their own societies, too.

Experiences Regional integration

- Integration in action: traders of the West African agri-food sector make arrangements
- The market in Dantokpa: a system of religious cultures and regional integration

Integration in action

Traders of the West African agri-food sector make arrangements

The current situation in Africa bears witness to a poverty-stricken and fragmented continent. The states have revealed their inability to generate development; the social fabric has been torn apart from all directions and cultural values are on the brink of exploding, while ethno-political conflicts are mushrooming in the face of state leaders incapable of resolving them.

On another front, globalisation is undermining the foundations of the state and its hold on economic policies. In these conditions, the market could act as a catalyst for integration. According to this process, intergovernmental organisations are proliferating (ECOWAS, WAEC, then WAEMU, ECA etc.), and yet their creation, functioning and objectives are not streamlined, nor are they yielding the expected results.

The second edition of the conference on farming perspectives in West Africa was held in Bamako from 7 to 9 April 2000. The event was organised by the Mali Market Information Support Project, known by its French acronym of PASIDMA, in partnership with Michigan State University, under the auspices of the Permanent Assembly of the Mali Chambers of Agriculture (APCAM). It provided an opportunity for West African agri-food traders to discuss the creation the West African Agri-Food Business Network (ROESAO). The challenge is to ease trade opportunely in our subregional zone, as trading has become difficult due to the constraints relating to a lack of information, the proliferation of checkpoints and the ensuing red tape. Other constraints, such as those relating to the quality and packaging of products were also scrutinised.

To actually set up the network, a steering committee of 18 members (two representatives per country attending the Conference) was set up. It was chaired by Mali, the delegates of which country nominated market gardener Souleymane Mansamakan Keita as subregional Coordinator, responsible, *inter alia*, for drawing up a draft charter, bylaws and an action plan, to be discussed and amended by the Steering Committee at the following session. This session was held in Niamey from 11 to 13 September 2000. This meeting not only provided

a chance to discuss the fundamental documents of the network, but also to review the trade that had taken place between cereal traders from Mali, Burkina Faso and Nigeria, amounting to over thirty thousand (30,000) tonnes. The network was up and running. Three months later, a contract governing the supply of approximately six hundred (600) cattle heads was signed between butchers from Conakry and livestock traders from Mali. Performance is now under way.

The network and its bodies were effectively established on 15 March 2001. The Executive Committee comprises 18 members and is chaired by Ms Alizeta Savadogo, a cereal trader from Burkina Faso.

In order to accomplish its mission and fulfil its objectives in appropriate conditions, the West African Agri-Food Business Network (ROESAO) set up a framework for cooperation with the West African Market Information System Network (RESIMAO).

ROESAO is already nine (9) members strong: Burkina Faso, Benin, Côte d'Ivoire, Ghana, Guinea, Mali, Niger, Senegal and Togo. The food surplus and deficit zones have been identified and trading is under way.

Author: Souleymane Mansamakan KEITA - **Organisation:** *Dialogue Network on Governance in Africa* (Mali) - **Location:** WEST AFRICA



The Dantokpa market: a system of religious cultures and regional integration

For genuine development, there must be healthy business management in our societies as well as a secure and viable trading area. To help this ambition to become a reality, the authorities sought to make our trading zone better known: the Dantokpa market, a reliable trading centre.

Located at the heart of Cotonou, the Dantokpa market extends over several hectares. It was created centuries ago and is an out-of-the-ordinary market. It is at once a regional integration system managed democratically and a market of cults.

Dantokpa is a religious cult because the very essence of this market is primarily a vodou called "Dan" which means "snake". This snake watches over all the users of this market. At each indicated period, ceremonies should be held to implore his goodwill in order to better steer the market's business. The men and women who use this market know what it's all about. In the face of danger, they come to make the appropriate sacrifices.

It is a regional market because it is frequented by members of surrounding countries. The foreign traders have places to sell their wares, thus enabling them to share their experience and savoir-faire. It is therefore a model of economic and regional integration.

COMMENTS: No one doubts the strategic position held by the Dantokpa market in the subregion today. It attracts regional traders. In the words of Léonce Amoussou - Head of the Administrative and Finance Department of the market management authority SOGEMA (Société de gestion des marchés autonome) - under the direction of SOGEMA, Dantokpa is "an essential asset to our country". It can be readily observed that foreigners who go there for summits, conferences and seminars cannot resist having a look around this market. We must urgently ensure its modernisation so it becomes an essential market in Africa, or even the world.

Author: Adamou BIO - **Organisation:** *Dialogue Network on Governance in Africa* - **Location:** Benin

Free movement of persons

Once states undertake processes to enlarge and harmonise their markets, it becomes crucial to address various factors which limit the movement of persons and goods. First of all, because integration is only viable in the long term if people take it on board. For this, the states must certainly give impetus

to movement, but the initiative should very quickly be handed over to social and private commercial processes. This calls for unhindered movement of persons and goods. In addition to major efforts to improve means of information and communication, significant progress should also be made by tackling the restrictive factors in connection with administrative and policy regulation.

Experiences of Regional integration

- Routine "red tape" for a Gambian wanting to travel to Guinea Bissau
- Crossing a border exposes law-abiding people to racketeering: the disillusionment of a young Malian who used to believe in the free movement of persons and goods in the Economic Community of West African States
- Integration harmed by two police stations on either side of the Senegalese-Mauritanian border

Routine "red tape" for a Gambian wanting to travel to Guinea Bissau

According to Community law, all Community citizens – with the exception of those who fall into the category of immigrants not accepted by the laws and regulations in force in the country – wishing to stay in a Member State for a maximum duration of ninety (90) days may enter the territory of the said Member State without having to show a visa. All ECOWAS citizens need is a valid travel document and up-to-date international vaccination certificates.

All ECOWAS Member States have abolished visas and entry permits. However, in almost all these countries there are several checkpoints manned by the police and/or customs; Community citizens are victims of red tape, very often involving extortion.

Gambia, Senegal and Guinea Bissau are neighbouring countries. Gambia does not share a border with Guinea Bissau, so to go there, people from Gambia have to travel via Casamance, in southern Senegal. This is the journey I made in December 2000 and which remains ingrained in my memory, not only because of its exceptional duration but also because of the incredible demands of the customs and police officers and gendarmes.

These three countries are Members of the Economic Community of West African States (ECOWAS), a regional integration organisation, and all have signed the Convention on the Free Movement of Goods and Persons between Member States. And yet there is a discrepancy between theory and practice, and in reality, people who travel face "extraregulatory" headaches which lead to a great waste of time, energy and money before arriving at their destination. We should also take note that a war with Senegal is raging in Casamance.

The Gambian stretch didn't take long to cover (it's about 40 km long), but there were, however, three stops: the first was to collect a local tax, which does not apply to private vehicles, the second was a police check for taxis and public transport and the third was at Jiboro, on the border. There, you usually have to sort out the formalities for the exit of Gambian territory (record of ID cards that are valid in all three

countries) and the vehicle pass.

So, we arrived in Seleti in Senegal, which is 1 km from the border. At the customs post, one officer sorted out our driving permit, for a fee of 2,500 CFA francs, giving us permission to drive our vehicle freely on Senegalese territories for x days, while the other searched our luggage.

After customs, then it was the turn of the police. We had to pay them 500 CFA francs to get our ID cards back. After this point we had about 100 km of Senegalese territory to cover before reaching the border to Guinea Bissau. Unfortunately, we were stopped about 10 times for various police, gendarme and military checks. These officers were needlessly zealous with their checks. Every time, we had to get out of the vehicle, show our papers and open our bags. Our hand luggage was emptied at least once or maybe even twice. The Casamance rebels use this route, so the military caution is understandable.

When we arrived at Bignona, there was a barrage of gendarmes who came and asked for our papers. One of our passengers had papers from Guinea Conakry and the gendarmes demanded to see his vaccination

records, but he didn't have them on him (nor did the rest of us, but only the Guinean was targeted). He had to pay up 2,000 CFA francs to a gendarme who told us flippantly: "they do the same to us over there".

At Mpack, on the border with Guinea Bissau, we came up against the police, customs and army. We were stopped before a line drawn along the tarmac, and we got out of the vehicle with our papers in hand. First we had to pay 500 CFA francs to the police for the ID check. (Once upon a time we only paid this fee during overtime hours, i.e. if the check took place after 5 pm). Then a customs officer checked the permit given to us by his colleagues in Seleti, kept it and said he'd give it back to us on the return journey. In the meantime, another officer searched our luggage. Finally we faced the army: we had to queue up, then a soldier took our cards and entered the details into a document.

A few meters on, we came to the Guinea Bissau checkpoint. We were searched and our ID was checked once again by the police. We were asked for "a tea donation", and we handed over 200 CFA francs. Then after crossing the Guinean border we were free!

The first town we got to was called San Domingo. Once again, there were checks. We got out of the vehicle, our bags were searched, papers were checked and we paid 1,000 CFA francs.

We were then en route toward the capital, Bissau. We were stopped about 10 times, as each town has its own checkpoint equipped with a barrier blocking the road. Sometimes we had to give another tea donation, sometimes the barrier was lowered and we just kept going.

We also had to cross two rivers, the Cacheu and the Mansoa, by ferry. When we got to the first ferry we were told that the second had broken down and we had to make a 150-km detour to get to Bissau.

After 10 hours of travelling, we finally arrived in Bissau!

NOTES: E. Manneh is the national Gambian leader of the Dialogue Network on Governance in Africa (decentralisation - regional integration)

Author: Ebraima MANNEH

Organisation: Dialogue Network on Governance in Africa (Gambia)

Sources: PERSONAL ACCOUNT

Location: GAMBIA; SENEGAL; GUINEA BISSAU

Crossing a border exposes law-abiding people to racketeering:

The disillusionment of a young Malian who used to believe in the free movement of persons and goods in the Economic Community of West African States

"At school they talked to us about the Economic Community of West African States (ECOWAS). We were told that this Community organisation expressed the determination of our states to build a community in which citizens from Member States could move freely with their goods.

"In 1981, I decided to leave Mali, my homeland, to go to Tengrela in Côte d'Ivoire. I took a coach along with 36 other passengers. To cross the border, the gendarmes made us pay 500 CFA francs each, even though we were all within the law and had provided all the right paperwork. When I enquired about this practice, a gendarme told me: "Even with all the right papers (ID card, vaccination records and passport) and a photo of Moussa Traoré (the Malian President at the time), you won't cross without paying 500 CFA francs". I asked him if Côte d'Ivoire was a member of ECOWAS and he said it was, but immediately added that ECOWAS was created by people and it couldn't stop the gendarmes taking 500 CFA francs.

"When I arrived in Côte d'Ivoire, I managed to find a job as a shepherd. My employer put me up and was therefore also my guardian. He treated me with care and respect and even agreed to give me a pay rise. He told me that he also had relatives in Mali. So I was accepted without any major difficulty.

"After spending a month in Tengrela, I decided to move to Deneni, still in Côte d'Ivoire.

"When I left Tengrela, too, the gendarmes asked for another 500 CFA francs, even though there aren't any borders between Tengrela and Deneni. I was all the more surprised since we were still on Ivorian territory.

"It was at this point that I understood that there was a gulf between the way the Community institutions are presented to us and the reality on the ground. I no longer deluded myself on the return journey to Mali.

"And indeed, at the border the police asked us to declare how much money we had on us. We were then searched systematically. If they realised that the amount declared was lower than the sum we actually had on us, they confiscated the difference without any further ado. They took a percentage of our money no matter how much we had. Any valuable items were confiscated. Only the drivers were spared this treatment. The solution was therefore to give them your goods and money during the trip."

COMMENTS: Crossing a border remains a real ordeal, even within ECOWAS, with all the checkpoints and law enforcement officials. Indeed, the state officials yield to the temptation of nameless racketeering of passengers, thus ruining all dreams of integration.

This shows that even within states, there is a real contradiction between the highest authorities which define policies and the subaltern agents who enforce them.

It is a simple and widespread observation that state officials who work at the borders are the main obstacle to African integration. They breach and challenge Community regulations. They are all the more at ease and inclined to go ever further because their "abuses" go unpunished.

For a poor passenger like Ousmane, who already knew about ECOWAS, the disillusionment is bitter and the wake-up hits hard. And two fundamental questions remain: Who can people complain to? What would result from this complaint?

These questions are all the more relevant as borders are by definition no-go areas in Africa, as is the case almost everywhere else in the world.

NOTE: Ousmane KONARE is a young Malian who works in Diaobé – a Senegalese village in the Kolda region, which plays host to a weekly subregional market.

Author: Pape Mamadou BA; Ousmane KONARE - **Organisation:** SENEGAL GOVERNANCE PROGRAMME

Sources: PERSONAL ACCOUNT - **Location:** MALI; COTE D'IVOIRE; SENEGAL; GUINEA; GUINEA BISSAU



Integration harmed by two police stations on either side of the Senegalese-Mauritanian border

Political and economic liberalisation could lead to processes which change the logic of integration by reducing the hegemony of national institutional players.

We could consider that they enable a rise in cross-territorial flows, whether human, immaterial (communication, information) or material, thereby creating exchange networks that professional organisations and civil society invest in more and more.

Manaél is a Peulh village in the Tambacounda region in eastern Senegal, situated on the Senegalese-Mauritanian border, about 16 kilometres from Bakel.

One of the unique features of this village which makes it stand out was undoubtedly its strong drive for integration. For example, the Senegalese from Manaél had fields on Mauritanian land, and the unpopulated section of Mauritanian land which was adjacent to the river was developed and farmed by the Senegalese. Similarly, the Mauritians also had land on Senegalese territory. The populations of both communities crossed the river wherever they wanted, even to go for walks, either on Senegalese or Mauritanian territory. No demarcation was visible, all the more so as each population had relatives on the other side.

A Mauritanian fisherman who settled near Manaél, on the Mauritanian side, found a ready market in this village for his catch. Once a year he filled his pirogue with fish, which he offered for free to the villagers of Manaél. In return, these same villagers went across the border to build the fisherman a house as an act of solidarity and good neighbourliness.

Unfortunately, in 1989, a conflict broke out between the Senegalese and Mauritanian communities, on the northern side of the border. This conflict, reported by the press, increased in scope and spread to the capitals of both countries, resulting in many deaths on both sides. In each country, the other country's nationals were set upon, beaten and even killed. An airlift was organised between Dakar and Nouakchott and the survivors were repatriated. Following this crisis and for the first time, a border police post was set up at Manaél, facing its Mauritanian counterpart.

Since the crisis and the arrival of the two police posts, nothing is as it was. The inhabitants can no longer cross where ever they like, as they must pass at the two border posts. The movement of the two populations has therefore been hampered, making it almost impossible for the Senegalese to farm the fields on Mauritanian territory and vice versa. An atmosphere of reciprocal mistrust and suspicion now reigns in the region, which the checkpoints tend to accentuate and perpetuate.

COMMENTS: As an area where races intermix, Manaél was one of the innumerable examples of successful experiences in terms of citizen integration. Unfortunately, a number of shake-ups in history sometimes call into question certain balances and harmonies. These unhappy episodes gradually fade over time, while other terrible and unfortunate ones prepare to rear their ugly heads. In Africa, the factors of integration and disintegration are both equally present, alternating in a vicious cycle that the states and peoples have still not managed to break. This is precisely what happened in Senegal and Mauritania.

The border posts were set up at a time of crisis. Their installation was justified given the exceptional circumstances of tensions between the states, but also because armed gangs were taking advantage of the situation to organise raids.

However, maintaining these posts to date is tending to make tensions and insecurity a normal and permanent situation. It is therefore essential to revive the integration process that once existed. It is as though these two posts are there to remind the people that nothing will ever be as it was. Do the states have the ability to adapt to the situation and take appropriate decisions for each development? If the aforementioned vicious circle is to be broken, such intelligence is certainly required of the states.

Author: NGADJIGO; Pape Mamadou BA

Organisation: Dialogue Network on Governance in Africa (Senegal)

Sources: PERSONAL ACCOUNT - **Location:** SENEGAL; MAURITANIA

Managing crises and building peace: regional security

Proclaiming the principle of free movement of persons and goods and lifting various checks are certainly not sufficient in themselves. It is also

essential for the peoples to be aware of and determined for a shared life.

Awareness and determination are not always manifest given the traditional conflicts, prejudice and competition for access to resources. These factors have been maintained and exacerbated by political rivalries and economic crises.

Experiences of Regional integration

- The maritime environment: an area of solidarity but also of conflicts when migration weakens West African integration
- The Touareg rebellion: Mali's experience in managing conflicts
- Fishing community conflicts in Côte d'Ivoire

The maritime environment: an area of solidarity but also of conflicts when migration weakens West African integration

Factors contributing to conflicts, which can worsen in the midst of a crisis, vary in number and type depending on the country:

- the fight to control the income from raw materials;*
- ethnopolitical conflicts;*
- maintaining power by violence and fuelling divisions;*
- a loss of social cohesion, weak public services and urban violence;*
- revolts stemming from poverty and despair;*
- border conflicts, often as a result of the other factors mentioned above.*

In Africa, integration and desintegration factors are equally present, alternating in a vicious cycle that the states and people have still not managed to break.

Although some efforts have been made. For example, on 10 December 1999, in Lomé, ECOWAS set up a Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

This Mechanism consolidated the commitments made by way of the Protocol on Non-Aggression, signed in Lagos on 22 April 1978; the Protocol relating to Mutual Assistance of Defence, signed in Freetown on 29 May 1981; the provisions of the ECOWAS Declaration of Political Principles, adopted in Abuja on 6 July 1991, pertaining to liberty, citizen rights and democratisation. Furthermore, society is not involved in peace management issues.

In spite of cultural differences, fishermen have developed strong bonds of solidarity over the years. This solidarity is no more evident than when it comes to rescues at sea. How many Gambians have been saved by Senegalese or Senegalese by Guineans, in difficult situations which can sometimes end in death, without mentioning the loss of equipment?

In the history of African fishing, stories told by fishermen make it possible to take a trip down memory lane and recall the warm welcome given to fishermen on their routes.

An old Senegalese fisherman, Malick Guèye, originally from Saint-Louis, still talks about the welcome he and his fellows received in Benin and Nigeria (he will remember it to the end of his days). We should start with this first generation of Senegalese fishermen who went to fish in Benin and then in Nigeria in the 1960s. In the 1970s we still had a sizeable colony of Ghanaian fishermen in Senegal, who came fishing for long stretches at a time. As well as the solidarity established by and between fishermen, these men also passed on their knowledge through migratory cycles. Indeed, migrants transmitted their know-how to the host country. This involved fishing techniques but also methods for processing.

Ghanaian industries specialising in the exploitation of sharks are certainly one of the legacies of the bygone temporary and semi-permanent settlements made by Ghanaian fishermen along our coasts. Such migrations helped construct West African integration through exchanges during their stay in the host country. Some fishermen decided to stay on and settled permanently in Guinea with their families, to name but a few examples.

Today, however, these migrations have become sources of conflict which are threatening the safety of fishermen.

Between Senegal and Mauritania, arresting Senegalese fishermen and inspecting their pirogues has become commonplace. The Senegalese, who are increasingly dependant on the demersal

resources of certain countries such as Mauritania, are subjected to a double constraint: they need a licence to access the resources of these third countries and are obliged to unload their catches there.

Faced with the defiant behaviour of some Senegalese fishermen, Mauritanian coastguards resort to the use of arms, resulting in the loss of human lives.

Similarly, between Congo, Nigeria and Ghana, migrations are the source of bitter conflicts insofar as certain authorities do not hesitate to turn back foreigners.

Some situations help to intensify conflicts between migrants and indigenous populations. On the one hand, new interest is being shown in the fishing industry from countries previously considered as particularly welcoming countries. In general, this interest would appear to be shown by countries which traditionally depended on other resources. This is the case for Mauritania and Guinea Conakry who, with a growing number of local fishermen, have decided to develop their artisanal fishing. Some of these countries, such as Mauritania and Guinea Bissau, have set up regulatory systems to conserve their own resources.

On the other hand, the introduction of migrants on the coast is complicating the already thorny problem of indigenous populations' access to the land. This situation also affects traders involved in processing for the regional market. This is the case for Burkinans and Guineans based in the village of Joal in Senegal who are encountering problems when faced with Senegalese processors who regard them as competitors for accessing land which is indispensable for constructing curing ovens. It must be borne in mind that there is a large colony of Burkinans and Guineans in this village who control entire supply chains: local processing, haulage and selling in their country of origin.

Finally, the scarcity of resources is so great that it poses a problem for peaceful coexistence, not only between migrants and natives, but also between fishermen of the same nationality. The conflict between Saint-Louisian migrants and Kayar fishermen which has raged in Senegal since 1979 is proof of this.

Author: Aliou SALL - **Organisation:** Center of Research for the Development of the Intermediate Technologies of Fishing, CREDETIP

Sources: ORIGINAL DOCUMENT - **Location:** SENEGAL

The Touareg rebellion: Mali's experience in managing conflicts

North Mali corresponds to the geographical area covering the three economic and administrative regions of Tombouctou, Gao and Kidal, in other words nearly two thirds of the national territory, with about 10% of the country's population. In the north, white nomad populations of the Sahara (Touareg and Maure) live together with black crop- and livestock farmers.

Since Mali's rise to independence, this region has endured armed rebellions (1962-64), which the various governments have tried in vain to curb by means of repression. Since 1972, a persistent drought has parched this area, wiping out the herds which were the most valuable commodity of the nomad populations. Thus, these impoverished people searched refuge in neighbouring countries, especially Algeria and Libya. In Libya the young people enrolled in the Islamic Legion and received military and ideological training. Some of these young immigrants formed movements which sparked hostilities in June 1990.

General Moussa Traoré's government chose repression as means of ending this conflict, thus leading to many innocent victims. In 1991, this military government was overthrown and the new government decided to take this matter of the north in hand. It signed a National Pact with the rebels on 11 April 1992, providing for in particular: the integration of former rebels in the public services (uniformed corps and general administration) and in socio-economic activities; the reduction in military presence in the northern regions; the return of the administration and technical services in the north; a revival in economic activity and the implementation of ambitious socio-economic development programmes for the medium and long term; the return of refugees; the implementation of a decentralisation programme.

However, these agreements were not enough to prevent a return to violence, since some of the rebels insisted on their immediate application, which was not possible for the government due to a lack of funds. From August 1994 to July 1995 the situation was marked by a return to fighting with demands for payment from civilians and rebels. It was during this period that the "Ganda Koy" ("masters of the earth") movement appeared. It took advantage of the sedentary population's exasperation, fed up of being victims of attacks from "white" rebels. The crisis took on a racial connotation, bringing to the surface conflicting secular relationships between white (Touareg and Maure) sedentary nomads and blacks.

Confronted with this extremely serious crisis, President Alpha Omar Konaré's new Government adopted a coherent and far-reaching strategy of treating problems in their entirety, with the active involvement of civil society and countries affected by the conflict, whether close by or further away (Mauritania, Algeria and the West African subregion) and with the support of development partners.

National mediation was led by civil society through traditional chiefs, religious figures, elders, state officials from the area and women's organisations. This mediation enabled the first informal contacts with the rebellion, kick-starting dialogue and official negotiations. Following many encounters, both within and between communities, it was possible to bring about reconciliation, restore confidence and revive economic activities that had been abandoned for over four years. These inter-community meetings brought together communities which were divided during the conflicts but which nevertheless had strong bonds of kinship, proximity, solidarity and complementarity. These meetings had a great impact on the reconciliation process. They provided a chance for communities to remember together that in the past they had jointly set up and run states such as the Ghana Empire, the Mali Empire, the Kingdom of Songhai and the Lwiliimidère Touareg Confederation of the Niger Loop, and that they had always had a culture of peace which they should continue to preserve. In fact this culture of peace needed to be maintained by being introduced into teaching and education, as well as by the adoption of strong symbolic acts such as the "Peace Flame" held in Timbuktu on 27 March 1996, the fuel for which consisted of 3,000 arms which had been used in the war.

On an international scale, mediation was assured by Algeria and reinforced by the services of prominent foreign figures with experience of these matters and a reputation for neutrality. With these mediators, frequent contact was made with the rebels, which helped to alleviate tensions.

This crisis had ramifications almost everywhere, since the Maure people (Touareg) are scattered throughout the subregion (Mauritania, Niger, Burkina, Algeria etc.), thus giving this conflict a subregional dimension, acknowledged by the Mali Government in that it accepted neighbouring countries as facilitators (Algeria and Mauritania). To end the conflict, the arms supply sources also had to be cut off. Therefore, on Mali's instigation, West African countries accepted a moratorium on the manufacture, import and export of light arms in West Africa.

To consolidate peace, Mali launched a diplomatic offensive to inform and encourage development partners to promote peace in northern Mali. Cooperation ensued especially from the Germans, Swiss, Canadians and the UNDP. To ensure transparency in financial and material contributions, a sector-based round table on north Mali was organised. This involved all the development partners, civilians, representatives of the rebellion, and social partners etc.

COMMENTS: Conflicts cannot be resolved lastingly by force. A long-lasting solution can only be reached through dialogue. The effectiveness of this dialogue depends on the involvement of all parties affected by the conflict. Refusing the timid nationalism which often characterises African governments (refusal of foreign interference in home affairs), the Mali Government called on its neighbours, since this conflict could not be isolated from its context and required a global solution. Civilians, the main victims of conflicts, must be suitably involved before, during and after the conflict. For a long-lasting resolution of all conflicts, it is necessary to establish a dialogue framework between partners.

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Fishing community conflicts in Côte d'Ivoire

Fishing on water expanses seems to be distributed between various communities. Fishermen from Ghana, Senegal, Benin and Togo seem to have a dominant presence in sea waters. Lagoon waters are reserved for indigenous populations. On continental waters, Bozos, of Malian origin, take precedence. These communities became established gradually (setting up of dams, development of the crop-growing economy). Sometimes, this coexistence is marked by conflicts, analysis of which follows.

The causes of these conflicts can be grouped into the following three categories:

Technological development and capitalisation: In riverside villages, fishing, whether individual or collective, was once a practice which benefited the whole community, and was controlled by the eldest fishermen. Technological advances led to the introduction of better performing equipment, such as shore seines, which require a great deal of capitalisation. Village fishing territories became divided into two zones, one reserved for large nets, the other for individual fishing. Sharing these village waters reserved for a specific fishing technique and thus a social category has led to the marginalisation of individual producers, excluded from their own village waters which were supposed to accrue to them. Social differentiation has become apparent. Those who own large nets, acquired for their own use, become the dominant social category, taking over from the eldest members of family production. Forms of fishing are not simply inherited from the past, but rather from the development of intra-village social relationships, themselves conditioned by a global development which began outside of these societies.

Schooling and rural exodus: With children attending school, families have to relinquish one working hand, paid for by everyone's effort. Children attending the village school barely contribute to building up family wealth. Secondary schools are always located outside the village. This is the first dividing point between the young and older members of villages with a high schooling rate. Upon leaving school, towns and cities offer a greater chance of social promotion. The pull of cities is also strong for those who have not finished their schooling. The rural exodus therefore leaves the village to the older inhabitants and the handful of young people of working age who do not intend to set off in pursuit of the bright lights. When young people leave, villages have to fall back on foreign fishermen, who are gradually given permission to fish in return for fees. As the number and importance of these foreigners gradually grew, the local population ended up losing control. The economic crisis in the 1980s and 1990s prompted young people to return to their villages. These "new arrivals" accused the older people of having sold off their heritage and not taken any management measures to ensure the sustainability of fishing. Internal obligations, powers and hierarchies seem arbitrary to them. The lagoon waters become the focal point of this conflict between generations.

The lack of integration of foreign fishing communities: The relative prosperity of Côte d'Ivoire and the development of agriculture in these river-based zones to the detriment of fishing have encouraged the mass

settlement of migrant fishermen. They arrive along with their technology which isn't always accepted by the locals. They live alone (outside of villages, in camps at the fishing zones) and play a very minor role in the development activities of the host villages. They are only motivated by the profitability of their fishing operations. They are prepared to go elsewhere as soon as the fishery resources become depleted. This situation gives rise to feelings of rejection and translates into conflicts regarding space occupation.

Conflicts frequently encountered in artisanal fishing often lead to intra- or intercommunity confrontations, which at times are of a violent nature.

In general, administration is necessary to find a solution to these conflicts. But as experience has shown, this administration is not sufficiently equipped to resolve these tensions. It simply focuses on the technical side of things. It ensures that the regulatory measures are taken (based on biological and technical opinions and completely ignoring the "social biomass"), but which very often cannot be applied. In these cases it is very often the time factor which is favoured for fostering peace and understanding between these communities which are at loggerheads. Indeed, often the internal dynamics are left to readjust by themselves.

It would appear that despite everything, administration will always be the mediator of these conflicts. However, it should not be the only solution. We need to come up with a conflict-resolution mechanism which involves all those concerned (fishermen and fishing communities). While conflicts are inevitable, it is possible to prevent them with a good understanding of the relationships between communities, on the basis of reliable information and transparency regarding their internal dynamics. For this to be possible, it is crucial to include conflicts in the approach to managing fisheries and to document them in order to objectivise them and find the necessary alternative solutions.

Author: Angaman KONAN

Organisation: Association for the Development of Artisanal Fishing (ADEPA)

Sources: ORIGINAL DOCUMENT

Location: Côte d'Ivoire; Senegal; Ghana; Benin; Togo

Supporting regional players

In pursuit of the integration ideal, African states equipped themselves with regional institutions, entrusting them with responsibility for integration initiatives.

These supranational institutions must find their place and forge relations with national states, on the one hand, and with civil societies in various countries, on the other.

To be efficient, they must also equip themselves with structures relating to organisation, tools and procedures, making it possible to both recognise the diversity of countries and help strengthen regional unity.

Having said this, regional integration should not only be a matter for institutions. Civil society players (businesses, the media, cultural and educational organisations, farming organisations, and in broader terms associations etc.) also have a key role to play in building African unity "from the bottom up", alongside the institutional approaches.

Experiences of Regional integration

- A subregional security mechanism and organisation
- Regional integration, a shining example of decentralised cooperation

A subregional security mechanism and organisation

The Charter of the United Nations encourages the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

On 10 December 1999, in Lomé, with a view to restoring peace and security in the subregion, the ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security was adopted. This Mechanism consolidated the commitments made in the Protocol on Non-Aggression, signed in Lagos on 22 April 1978; the Protocol relating to Mutual Assistance of Defence, signed in

Freetown on 29 May 1981; the provisions of the ECOWAS Declaration of Political Principles, adopted in Abuja on 6 July 1991, pertaining to liberty, citizen rights and democratisation.

The Mechanism establishes several institutions: the Conference of Heads of State and Government, the Mediation and Security Council and the Executive Secretariat. There are three bodies: the Defence and Security Commission, the Council of Elders and the ECOWAS Ceasefire Monitoring Group (ECOMOG).

Since its adoption, the Mechanism institutions have been set up and are now responsible for all matters regarding peace and security in the subregion. The various prevailing crises are regularly scrutinised by the appropriate structures of the Mechanism, with a view to restoring lasting peace in the subregion. Subregional security is comprehensive and its success depends on the contributions made by the various players, both in terms of conflict prevention and management, in order to enable peace to flourish in the long term.

COMMENTS: Regional security has often been considered to be the exclusive domain of states. On the field, we can see that despite the provisions made by ECOWAS, it is hard to manage conflicts in the countries of the Mano basin (Sierra Leone, Liberia, Guinea etc.). National security is increasingly illusory, and we now speak of regional security because it is clear that as soon as a conflict breaks out in one country, the neighbouring countries soon suffer the consequences. The perfect illustration of this is the proliferation, circulation and transfer of small arms, which sow the seeds of violence and crime.

ECOWAS leaders are increasingly tending to involve civil society in this notion of regional security. The UN has laid down Acts with this in mind, involving civil society in the preparations for the UN New York Conference on the Illicit Trade in Small Arms, held from 9 to 20 July 2001.

Author: Markoua DADJO

Organisation: Dialogue Network on Governance in Africa (Togo)

Location: AFRICA

Regional integration, a shining example of decentralised cooperation

Social, economic, cultural and educational activities are increasingly carried out by organised players in formal and non-formal areas. They are the domain of NGOs, networks of fishermen, farmers, hunters, researchers, academics, experts etc. playing an increasingly significant role.

But this structuring of civil society is having difficulty in accessing decision-making arenas relating to the construction of regional integration.

This poses the problem of these organisations' capacity to construct a position and proposals in areas where bureaucratic approaches often prevail.

The most important of these capacities is the acquisition of the necessary expertise to enter into dialogue with institutions.

Buttressing networks at regional level and their sector-based decompartmentalisation (farmers, fishermen, journalists, entrepreneurs etc.) are essential to both draw up proposals that meet integration requirements and to gain the necessary influence to be heard.

Following the globalisation's significant inroads, various regional and subregional centres are being structured with a view to harmonising their policies or finding common development markets. The West African region is naturally caught up in this global trend. Thus, in addition to focussing on the fight against poverty during his second term, President Alpha Oumar KONARE also channelled his efforts towards the success of African integration. Civil society played a pioneering role in this movement.

The case we are referring to here involves a partnership based on complementarity in thinking and action between two NGOs the South, namely the Association for the Protection of Nature (APN Sahel) in Burkina Faso and the African Network for Integrated Development (RADI Senegal) and one NGO in the North, i.e. Unity – Service – Cooperation (USC Canada).

The main objectives of this decentralised cooperation are as follows:

- to encourage the sharing of experience and expertise in the sustainable management of biological diversity in view of environment-friendly food security;
- to provide technical and financial support for innovative local initiatives relating to the conservation of genetic plant resources and to food security.

It was not easy to form such an alliance, whose legitimacy simply boiled down to the similarity of the partner organisations' vocations, of their Sahelian location (arid climate, shrubby and thorny vegetation) and of the partner populations. Questions were raised as to the disparity of means as well as the distance and difference between the

levels of professionalism of the structures involved. However, the unprecedented commitment of these partner structures served as a springboard for their shared determination.

From 1995 to the present date, some 20 development and production staff from Mali, Senegal and Burkina Faso have become involved in programmes to share experiences by means of exchange visits and workshops. Beyond the higher profile achieved as a result of this forum, specific initiatives have been put forward on both

sides to serve as a framework for the application of the skills and knowledge gained. This relates in particular to:

- financial support from USC Canada in enlarging and equipping the seed farm in Niandane (Podor), Senegal to increase farming output and productivity and improve the role of women, granting them better access to profits;
- technical support from USC Canada in constructing a municipal arboretum in Djibo (Burkina Faso);
- technical support from RADi in helping two tenant farmers to set up in Douentza, Mali and specialise in the production and marketing of market-garden seeds and quality cereals;
- the launch of a journal linking the structures and their partners beyond the physical borders arbitrarily imposed on them by colonisation and maintained by post-colonial regimes.

The partnership is currently facing constraints due to insufficient means for stepping up exchanges and support. To deal with this problem, the partners tried to develop a subregional project in 1997, which they submitted to the Canadian International Development Agency (ACDI) after having received several letters of support from the respective Governments in Mali, Burkina Faso and Senegal. Given the ACDI's inability to fund a subregional project to the benefit of three countries, via a single Canadian NGO, another project is currently being debated. This project would possibly involve Solidarity Canada Sahel (SCS), a consortium of Canadian and Sahel-based NGOs and the Permanent Secretariat of the United Nations Convention to Combat Desertification (UNCCD).

COMMENTS: This example of a partnership clearly show that grassroots populations have spearheaded the political integration process. If this movement is to progress from theory to reality, this social and economic integration should be invested in and embraced by politicians. Civil society and citizens have a major role to play as an opposition force, to lead governments towards economic and socio-cultural integration which respects and gives value to secular practices and knowledge.

Author: Mamby FOFANA

Organisation: Dialogue Network on Governance in Africa (Mali)

Sources: PERSONAL ACCOUNT

Location: Douentza Djibo; Dakar - MALI; BURKINA FASO; SENEGAL



Governance Profiles

A diagnosis of governance in Africa based on
players' tangible experiences

This document presents the main experiences that contributed to the proposals of the Alliance for Rebuilding Governance in Africa. Each theme is assessed in terms of limitations, failures and possibilities, and is illustrated by at least two case studies that provide an insight into the shared viewpoints of players from different backgrounds, wherever possible. *"We hope that, once you have finished reading, you will share our conviction that, in order to deal with the global governance crisis, Africa must lend an ear to the specific questions of its citizens in order to find specific answers."*

The Alliance for Rebuilding Governance in Africa brings together African and non-African players committed to action and thinking, anxious to promote dialogue on the management of public affairs in Africa both amongst the Africans themselves and throughout the rest of the world.



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