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Africa Development is the quarterly bi-lingual journal of CODESRIA. It is a social science journal whose major focus is on issues which are central to the development of society. Its principal objective is to provide a forum for the exchange of ideas among African scholars from a variety of intellectual persuasions and various disciplines. The journal also encourages other contributors working on Africa or those undertaking comparative analysis of Third World issues.

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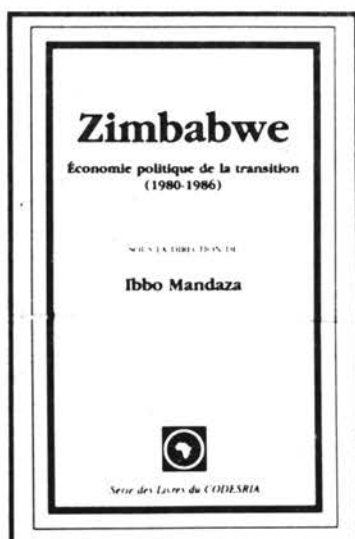
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A PARAÎTRE
SERIE DES LIVRES DU CODESRIA



Cet ouvrage sur le Zimbabwe étudie l'ensemble des relations qui existent entre l'héritage du régime colonial blanc, d'une part, et le modèle de développement politique et socio-économique de l'ère post-indépendance, d'autre part. Dans quelle mesure cet héritage représente-t-il encore un frein au développement du Zimbabwe? Etant donné la nature et l'historique du Mouvement de libération nationale, son contenu idéologique et de classe, comment cet Etat doit-il être

caractérisé en termes de nouvelles alliances et de positions, dans le contexte actuel des forces aux niveaux régional et global? A la lumière des résultats obtenus, comme des obstacles rencontrés, quelles sont les perspectives d'avenir du Zimbabwe?

Fruit du travail d'un groupe d'intellectuels zimbabwéens, cette étude représente leur contribution à la lutte incessante contre les forces qui ont rendu l'accession à l'indépendance nationale si longue et si sanglante, et dont la défaite marquera la véritable indépendance, économique et politique, du peuple du Zimbabwe.

Rejetant les analyses et hypothèses fondées sur une falsification du processus historique ou sur l'auto-indulgence, les auteurs de cet ouvrage ont tenté d'expliquer la situation présente que vit leur pays et la façon dont pourrait se consolider le développement économique et social.

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A PARAÎTRE SÉRIE DES LIVRES DU CODESRIA



Qu'est-il advenu des "richesses" tant vantées du Congo? Plus précisément, qui a bénéficié du capital accumulé par l'industrie coloniale? Comment se fait-il que l'économie zaïroise soit restée une économie sous-développée alors que l'économie belge, elle, a prospéré? Le triomphe actuel des multinationales, avec à leur tête le Fonds monétaire international et la Banque mondiale, aurait été préparé en fait, par les mécanismes mis en place au temps de la colonisation. Il faudrait seule-

ment substituer "l'ajustement structurel" à la "pacification" coloniale.

En jetant un regard nouveau sur l'histoire économique du Zaïre qui remet en question le "savoir-faire colonial" et propose une interprétation enracinée dans le vécu populaire, J. Depelchin nous offre une contribution importante à l'historiographie africaine. Inciter d'autres chercheurs à s'intéresser aussi aux formes prises par les analyses du passé colonial, telle est l'ambition de l'auteur. Ce livre s'appuie sur une documentation riche et variée. J. Depelchin s'emploie à remettre en question les modalités de fonctionnement de l'interprétation historique, tout en procédant à une analyse minutieuse de l'impact des sociétés anonymes belges sur l'économie du Congo/Zaïre.

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Collective Rights, Transformation and Democracy: Some Thoughts on a New Constitutional Dispensation in South Africa

Jennifer Clare Mohamed*

Résumé: En Afrique du Sud, les débats actuels sur la forme constitutionnelle sont houleux. L'exercice du pouvoir ainsi que la capacité de garantir une transition démocratique privilégiant la notion de droits collectifs et individuels sont intimement liés à la forme que revêt la constitution. Les enjeux fondamentaux actuels portent sur le "concept de droits des groupes politiques" qu'encourage le gouvernement et qui légalise un statut de privilégié garanti à une minorité raciale qui, même modifié, n'en continuera pas moins de perpétuer des clivages ethniques et d'être un obstacle au système unitaire de gouvernement. D'autre part, il y a la lutte du mouvement de libération de la nation pour mettre fin à un système dans lequel la race ou l'ethnicité confère des droits juridiques et des privilèges. La nouvelle Constitution sud africaine devra accorder à l'ensemble des Sud-africains le droit à l'égalité qui implique également le droit "à la différence", autrement dit la reconnaissance de l'identité multi-culturelle et la création des conditions de développement de cette mosaïque de cultures.

As the debate in South Africa about a new constitutional dispensation unfolds, the issue of central principles has gone through various manifestations. For the oppressed and exploited, the central principle informing their choice about the nature of the constitution is whether any given construction will assist in the eradication of exploitation and oppression. For the liberals and civil libertarians, the central concern is the creation of a constitution which stipulates the ideal of equality (without necessarily creating the tools for the rehabilitation of that ideal) and that secures the freedom and rights of the individual. For the government and those in power, the central concern is that the new constitution continues to perpetuate the existing *status quo*. Given this contestation of ideas, the struggle for a constitution that gives expression to the values and ideals of the majority is a crucial aspect of the struggle for national liberation.

Questions and debate about constitutional form and principles are or at least ought to be of central concern. The issues of bicameral parliaments, proportional representation, justifiable bill of rights, collective and individual rights have just been some of the key issues. However the depth of analysis

is not always what it should be, the debates about these issues have been left primarily to the corridors of legal academics. For the most part, other sectors of the national liberation movement have been left outside the debate. The legal profession has created the impression that provided equality clauses exist, and adequate mechanism for their enforcement are created, the transition to social equality should be possible and smooth. Activists have broadly been willing to accept this explanation. The result is that activists have been very happy with constitutional proposals that are *prima facie* egalitarian and non-racial. We need to push the debate beyond this to an investigation of the implications of particular forms of government. We need to address the implications of proposed models within the context of socioeconomic reality.

Too often we have witnessed the creation of *prima facie* democratic institutions and forms of government that have resulted in little change for the people. This is a story well known to us - it exists not only within Western democracies but throughout the developing world. It is time to look at the lessons of independent Africa and to realize that the hopes and aspirations of the people at independence have seldom been fulfilled. Whilst this is partly attributable to the nature of government to a lack of democratic accountability, and economic dependence, it is also due to constitutional and legal framework in which these countries work. Again and again we have seen the oppressed give away the keys to the treasury in return for sitting on the throne¹. This has been achieved through a combination of economic and constitutional manoeuvre. In Zimbabwe, we witnessed the acceptance at Lancaster House of a constitution that gave whites a percentage of guaranteed seats for a seven year period and entrenched the protection of private property for ten years. The combined effect of these provisions was that:

their (white) control of the economy increased and to this day they dominate farming, industrial, commercial and mining sectors and indeed all but 12 out of the 200 top executives in Zimbabwe's leading companies are whites².

If any semblance of real transition is to exist in South Africa, the oppressed need to ensure that the constitution is drafted in such a manner so as not to simply assert their values and aspirations but to actually promote, enhance and protect them: constitutions are not ideologically neutral

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- 1 Coleman, K. (1990) "Some Economic Considerations for a Group Rights formula" p. 8 Paper presented at Cold Comfort Farm Trust's Group Rights Conference. Harare, 30 June.
 - 2 Ncube, W. and Nzombe, S. (1987) - "The Constitutional Reconstruction of Zimbabwe; Much ado about Nothing" *Zimbabwe Law Review* 2, 1987 p. 11.

documents. They are not simply the means through which state power is regulated, or the means to ensure individual rights are not encroached upon as the liberal theorists³ would have us believe. They are tools for the realization of power of a particular social group and a means through which social change can be achieved. The form the constitution takes has important implications for the exercise of power and the ability to ensure democratic transformation. This paper aims to examine just one issue pertinent to the drafting of a new constitution - that is the position of "collectives" in a new dispensation.

The Position of Collectives in South Africa

The struggle in South Africa is essentially the struggle of the majority to win and assert their democratic and economic rights - hence the struggle goes beyond one for individual and civil rights, it a struggle that is not simply a demand to be included or to be considered equal. It is a struggle that demands the re-examination of the entire legal system and every strain, component and facet thereof.

This struggle has been waged on many fronts and in numerous terrain. We have witnessed the formation of organizations defined in ethnic, gender, religious, age, and cultural terms; others have found their constituencies in specific terrain such as education, rural, urban, and professional arenas. This organizational diversity is evident in the multiplicity of collectives fighting to redefine social relations and to assert their right to participate in the national process. Thus a key constitutional question is how one gives expression to these interests.

The issues of what kinds of rights ought to be given to collectives needs to be addressed. The mere existence of "collectives" does not presuppose that they should be given rights in law. The issue of what kind of rights ought to be given to "collectives" needs to be addressed in the context of the positions such collectives occupy, the nature of social relations in society, and the kind of society one is striving to create.

It is in the context of the struggle to change/maintain existing social relations that the issue of collective rights has become pertinent. One of the central constitutional issues has been the status that "group and collective rights" should occupy in a new dispensation. At the early stages of the debate about constitutional form the government began to push for some legal recognition of political racial group rights. Despite the fact that it currently does not occupy the centre stage - it continues to inform

3 See for example Kendell, F. and Louw, L. (1990) - *Let the People Govern*, p. 125 (Amagi Publications South Africa); Godsell, B (ed) *Shaping a Future South Africa* p. 22 (Tafelberg Human and Rousseau, South Africa).

government thinking. The government's new position is partly attributable to the consistent resistance to and rejection of the concept of political group rights by all sectors of the national liberation movement⁴. In the latter part of 1990 the government began to move away from insisting upon any simplistic group rights formula and instead began to use the concepts of "proportional representation", "devolution of power" and "bicameral parliaments" to achieve the same ends. Despite these more sophisticated manoeuvres by the government, we cannot assume that the theory of group rights no longer informs their thinking. In the section of this paper entitled "legal development of group rights in apartheid South Africa", it is shown that it has been a driving force in legal development and reforms for well over 50 years. There is no fundamental break in government thinking, or socioeconomic reality that indicates a changed position.

The history of revolution and social change alerts us to the fact that those in power do not willingly relinquish power. Indeed the lessons of independent Africa must alert us to the fact that numerous colonial regimes instituted legal forms that would ensure that any radical change to the socioeconomic conditions would be difficult. There is no reason to assume that in these broad terms the interests of the South African regime are any different.

Neither can we assume that the issue of group rights will not re-emerge in a more direct form. The potential for it to re-emerge in a direct form will to some extent depend on the strength of the liberation movement as well as the potential for government to divide the oppressed. We have in recent months seen an increase in violence between competing political interests. The government has largely been successful in portraying this conflict as an ethnic conflict; an explanation that appears to be increasingly accepted by the West. We ought not underestimate the role and influence that these issues will have on the form that the political settlement will eventually take. The existence of "Ethnic violence" increases the likelihood of an insistence by the government, and sections of the international community, as well as some groups in South Africa that group rights be protected. Already Jac Buchner, Kwazulu Police Chief, asserts the potential for a white-zulu alliance⁵.

4 The term, here is used in its broadest possible sense to include all forces opposed to the current government who have waged their struggle primarily through extra parliamentary mechanisms, it therefore include the (ANC) African National Congress, (PAC) Pan Africanist Congress, the (MDM) The Mass Democratic Movement, (UDF) United Democratic Front, (AZAPO) Azanian People's Organization, (SACP) South African Communist Party etc.

5 *Sowetan*, July 31, 1990.

Other conservative groups, as well as groups that feel they are or will be marginalized by a new political dispensation may demand some legal group recognition even if it is not in the form of direct political representation in a lower house of parliament. It is not inconceivable that religious groups or language groups will push for representation in an upper house of parliament.

The issue of group and collective rights is one that extends beyond the rights of racial groups trying to enforce a system of privileges. There are undoubtedly other collectives, such as workers and women that are striving for a recognition of their rights. The national liberation movement has realized that the recognition of certain collective rights (such as workers rights) are intrinsic to a realization of the struggles of the oppressed and the creation of a democratic order. We need to address seriously how collective rights can be used to end the oppression of these groups. This paper seeks to make suggestions about how collective rights should be dealt with in a new dispensation.

Racially Defined Collectives as a Basis for Group Rights

Whether or not racially defined collective should have positive rights in law cannot be determined simply by reference to the position of racial groups in international law or by how racial groups have been dealt with in other national legal systems. The South Africa government continues to make comparison to the granting of rights to national groups in other states in order to justify its demand for "Group Rights". The demand for such rights needs to be examined historically in order to:

- illustrate the continuum between current formulation and Apartheid's legal history;
- to identify specific problems that need to be addressed in a constitution given this experience.

The Legal Development of Group Rights in Apartheid South Africa

The legal definition of "group" in South Africa is a product of:

- political struggle;
- objective reality of the existence of distinct communities during the early colonial period.

It has not only reflected the particular social, political and economic relations of the historical conjuncture, but has also served to shape these relations. Thus the process of definition has constantly been in flux. For example, the establishment of administrative structures over already existing and spatially separate pre-colonial communities, the subordination of indigenous law, politics and culture, and so on provided the political and legal foundation for the racial positioning of subjects on the arena of

production⁶. Similarly the further racialization of the productive sphere becomes the catalyses for further racialization of the political and legal sphere. The particular nature of capitalist development in South Africa meant that groups were defined by the dominant ideology primarily in racial terms.

Whilst having an objective basis, the legal definition is a product of struggle. In South Africa, as in all situations of conflict, fact, myth and propaganda intervene to enlighten, confuse and conceal, with different interest groups coming to have their own particular viewpoint heard and accepted as the conventional "wisdom"⁷ and strive to ultimately have it implemented as official policy. Thus in the struggle for power, different political forces have manipulated group identity in order to achieve this end and promote their own political interests. Group identity is constantly being shaped and reshaped by an interplay of struggles between the oppressed and the oppressor and also by struggles internal to the two groups.

The use of racial legislation did not emerge after the election of the Nationalist Party but was an element of the previous era. One of more important constitutional developments in the early period of union was further legal dis-empowerment of the black people, "In 1930 white women were given the franchise, but not 'Non-White' women which resulted in the voting power of 'Non-Whites' being virtually halved"⁸. In 1931 the voting power was further diluted, by the removal of the property and income voting qualification with respects to whites.

In 1936 the first inklings of a group rights approach to voting is evident. The Representation of Natives Act of 1936, placed African voters on a separate voter's roll. The effect of which was that African representation was limited in the upper base to four indirectly elected white senators.

By 1948, South Africa had a system in which political and economic control was exercised by a white minority. The victory of the Nationalist Party in 1948 was not simply an electoral victory, but a victory aimed at containing the growing black opposition and the proletarianization of black people. Both these had threatened the interests of white farmers and the privileged position of the white working class. The direct legal consequences of this victory was the intensified entrenchment of racial inequality. This inequality was entrenched politically, ideologically and economically. At an ideological level, the state seized control of African education by the Bantu

6 Wolpe, H. (1988) - *Race, Class and the Apartheid State*, 57 (James Currey, London).

7 Riddell, R. (1988) - "The Regional Crisis", 77 In Longsdale, J. (ed) *South Africa in Question* (James Curry, London).

8 Blaustein, A. and Hantz, G. - "South Africa" p. 4 In Blaustein, A. and Hanz, G. *Constitutions of the Countries of the World*, Vol. XIV.

Education Act, 1953, in a bid, "to gain ideological control over black intelligentsia"⁹.

The policy of influx control was used to control migration to the cities and hence protect both white farmers and workers and meet the needs of the manufacturing sector.

The process of control entered into by the state was based on a policy of separation of racial groups, as defined in the Population Registration Act of 1950. This policy of separation was founded on the ideological premise of black inferiority. In order to secure their political power, this racialization of the legal sphere and therefore social relations was coupled with a legal onslaught against political opposition. The suppression of Communism Act, the Public Safety Act, legal limitation on the exercise of judicial discretion, and shifting of the burden of proof in certain offences to the accused are just some of the mechanisms used. The suppression of Communism Act although purported to prohibit the advocacy of communism, was used against both communists and non-communists as the definition was wide enough to encompass most radical opponents of the *status quo*¹⁰. Simultaneously the regime developed an elaborate structure of administrative control over the press and organizations and expanded the strength and powers of the security branch of the police force¹¹. The legal space in which political opponents could operate was dramatically narrowed.

The overall aim of the legal - political system developed in the immediate post 1948 period was not to protect or facilitate the development of racial/ethnic groups but to ensure at all costs the entrenchment of the system of white superiority and privilege.

Only in the post 1960 period, after the massacre at Sharperville, is a policy of purported separate development and the concept of group right developed more fully by the regime.

The period is distinct from the earlier period in that provision is no longer made for African people in the central state. The process of creation of parallel and distinct structures in every realm is entered into. This occurs primarily as a result of developments in the extra-parliamentary political terrain. The events at Sharperville were a culmination of a decade of resistance. The regime responded by declaring a state of emergency, outlawing the African National Congress and Pan Africanist Congress, arresting and imprisoning thousands of political activists. This internal crisis

9 Marks, S. and Trapido, S. (1978) - "The Politics of Race, Class and Nationalism" In Marks, S. and Trapido, S. (ed) 1987, *The Politics of Race Class and Nationalism in Twentieth century South Africa*, (Longman).

10 Wolpe, H. (1998) 67.

11 Dugard, J. (1987) - *Human Right and the South Africa Legal Order*, p. 155 (Princeton).

resulted in the flight of foreign capital. In order to woo international capital back and to appease and control the black population, the state began to restructure the political arena, this restructuring included the development of the policy of 'separate development' and that which came to be known as a 'Group Rights' formula. Clearly the formula was developed in the context of entrenching exploitative and oppressive relations.

The central articulated principle of this new system was that each racial group was entitled to exercise political rights with respect to the affairs of that group. However the previous ideology of white superiority continued and the resultant system was one where only a semblance of political rights was accorded to the black population.

In the political terrain, this separation of rights was achieved through the abolition of parliamentary representation in 1960 and provincial council representation from mid 1961. This implied the creation of the Bantustan system for Africans and the 'Representative' structure for Coloureds and Indians. The African population was divided into ethnic groups broadly coinciding with primordial ethnic groups and each having a territory. The territories assigned, the Bantustan were carefully designed so as to ensure that the country's wealth continued to be channelled to "white South Africa".

Although the government portrayed this policy as giving African people political rights, it must be emphasized that these rights were very limited. The whites continued to act as overseer of the political process, and the decision maker in crucial areas. Given this reality it is fair to conclude that the aim of this policy was control and denationalization as opposed to the extension of democratic practices¹².

The basic method of dealing with African political aspiration did not change significantly until 1989-90; in the interim there was a steady increase in the power awarded to the Bantustans. In 1971, the autonomy to proclaim legislative assemblies was given to the central cabinet by virtue of the Bantu Homelands Constitution Act. Although such assemblies were given original legislative power, a bill required the assent of the central cabinet to become law. Neither were they given powers to repeal any other enactment. There was a further widening of the power of Bantustan authorities in the post 1976 period, by allowing these "States" to become self governing. This was partly as a product of the struggles of African people but was also a means of control and an attempt at appeasement. Increased authority was given in respect of the military, administration, education, the judiciary and also

12 A primary motivation of this policy was control of urbanization of the African people. Charles Simkin's calculated that in 1960 39.1% of the total population lived in the Bantustan by 1980 that had increased dramatically to 52.1%.

economic policy. Elected legislative assemblies were also provided for. Despite this increase in power in the Bantustans, Africans were excluded from central government and only very limited rights were given to urban Africans. In 1977 provision was made for the formation and election of community councils. These councils were rejected by the African communities, as they failed to address their central concerns. In 1982, a more sophisticated version, the Black Local Authorities was established by an act of the same name. The representation given to the respective sectors of the black population were seen as grossly inadequate in that it failed to address the question of power and the right to full participation in government.

In 1980, as a result of this dissatisfaction, the government abolished the Coloured Persons Representative Act and replaced it with a nominated Coloured Persons Council, which again was rejected as an inadequate form of representation. By the end of 1980 the government abandoned all plans thereof. The provision that Coloureds and people of Indian origin be represented in central government structures existed initially because ethnically they could not be linked to a primordial tribal group with a land base¹³. In 1964 the Coloured Peoples Representative Council (CRC) was formed by an act of that name.

It eventually came into effect by proclamation in 1969. Two-thirds of its membership were elected and one-third nominated powers on matters pertaining to Coloured education, local government, community and welfare matters. Such legislation had to be approved by central cabinet. This made any power of CRC totally ineffectual. In practice this meant they could not legislate in a manner repugnant to existing legislation.

The process of political disempowerment of the Coloured and Indian People took similar though distinct roads. Initially attempts to remove Coloured and Indian voters from the common voters roll failed, but by some crafty constitutional manoeuvring, this was eventually achieved. The separate Representation of Voters Act, 1951 was successfully enacted and the entrenched clauses of the constitution effectively circumvented. This was achieved by the device of increasing the membership of the Senate to the point where the government could command a two-thirds majority in joint session of both Houses of Parliament¹⁴ and hence pass the desired legislation. Hence from this date, representation of these groups was severely limited in the lower and upper houses. In 1970 this representation

13 J.C. Heunis, Minister of Constitutional Development and Planning Hansard Feb 2, 1983, Col. 212.

14 Wade, H. - "This Senate Act Case and the Entrenched Sections of the South Africa Act", p. 160 in 1957 (54) SALJ 1960.

was completely abolished. This rejection resulted in the reforms embodied in the South African Constitution Act 110 of 1983, which continued to perpetuate the idea of separate government but differed substantially from existing forms of political representation in that, legislation aimed to incorporate Coloured and Indian, however, nominally into central government. The principle aim according to then Prime Minister, P. W. Botha, was to move away from the Westminster system with its one man one vote within a unitary state¹⁵. The Act recognized that "groups" as defined by the Government had the rights to administer their "own affairs" and also to participate in the running of the "general affairs" of the country. Chris Heunis then, Minister of Constitutional Development, said that the essence of the constitution was that:

the whites will no longer be able to decide about the affairs of other groups, nor will they be able to decide alone where matters of common interest are at stake. The government premises in this connection are... firstly domination by one group over another must be eliminated and every group must be given an effective say in matters which affect it, secondly the self determination of every group in matters pertaining to that group alone must be insured and thirdly co-responsibility must be achieved in matters of common interest¹⁶.

Africans continued to be excluded from the new constitutional dispensation, purportedly because of the impracticalities of having ten additional chambers and it was argued that the creation of separate black states was able to cater sufficiently for their needs¹⁷.

Despite the *de jure* recognition of the right of "groups" to control their own affairs, in-built constitutional procedures meant that effective control over these areas was also impossible. The notion of administering groups own affairs included social welfare, education, art, culture and recreation, health matters, community development, agriculture, water supply, appointment of marriage officers, elections of member of the house in question and finance. The provisions relating to finance are particularly important although each house was given power to raise money, impose levys, and accept donations. They excluded the power to levy taxes and receive loans. Thus in effect revenue control remained in the hands of central government. The determination of the budget was a "general affair", and hence given the composition of the house the white house retained effective control. This meant that the hands of the House of Representatives

15 Hansard, Feb. 1, 1983. Vol. 131 cited in Blaustein (1989), p. 22.

16 Chris Heunis, Hansard.

17 Blaustein, p. 22 op. cit.

(Coloureds) and the House of Delegate (Indians) were effectively tied, in introducing reforms in certain crucial areas. The definition of education as an own affair for example also meant that these houses were unable to even begin to fulfil the demands of the South African people for a single educational system.

Further in the event of a dispute about what constitutes an "own affair", the State President in terms of S16 shall decide. Thus giving wide powers of discretion to the State President. Issues deemed to be general affairs are placed before all three houses. If there is disagreement among the houses, the Bill may be referred to a Joint Select Committee. The Joint Select Committee is formed on the basis of proportional representation of the houses. If such a committee is unable to achieve consensus and no agreement is reached, the State President may refer the matter to the President's Council for its decision. The President's Council is empowered to decide whether or not to present such a bill to the State President for his assent¹⁸. A bill of which the President Council has approved is deemed to be passed by parliament¹⁹. The effect of this is to give the President's Council 'legislative power'. A revised bill will go back to the houses. In the event of continued deadlock, the President may abandon the bill or make a revised edition. This gives the President immense power. Given the procedure of election of the President, she/he is likely to share the views of, if not come from the White House. This in effect means that real and effective power rests with the White House of Assembly and the President. The Judicial Power of Review is also curtailed by the constitution. S34 (3) provides that, "no court of law shall be competent to inquire into the validity of an Act of Parliament"²⁰.

Whilst, *prima facie*, this constitution appeared to be more egalitarian, in that it now included Coloured and Indians and gave them legislative power, it, like its predecessors, placed whites in a position of power and privilege. This time the domination was more subtle, achieved by the procedures described above and the granting of greater power to a new executive State President.

De Klerk's 2 February formulation broadly sticks to the same pattern with respect to the definition of groups. It recognizes (as does the Five Year Plan) that South Africa is one undivided state in which people should have a common citizenship and that the groups as presently constituted are not necessarily legitimate. In spite of this the government remains fairly

18 S. 78 (5).

19 S. 32 (4).

20 See also provision in S. 18.

committed to the concept of group protection²¹. It appears that although the government is willing to define groups, the belief that ethnicity/race is a central factor in social relations and hence crucial to the definition of groups continues to prevail in government thinking. The National Party's 1989 Action Plan stipulates that there should be individual freedom of association and disassociation, but that the recipient group would have to consent and that groups have a right to maintain and protect their own identity.

Political guarantees of the right to self determination, rotation of authorities and devolution of power were also recommended. This centrality of group is also maintained in policy changes the National Party has accepted in 1990²².

The desire to perpetuate the *status quo* continues to inform the government's constitutional thinking. Continued struggle has meant that obvious racial rights are less evident in the government's thinking - various other formula seemingly non racial have been proposed. The historical experience of legal development and change in South Africa must lead us to a careful and critical analysis of new directions in governmental constitutional thinking.

Protecting Racial Interests through Non-racial Means

There have been various indications that the government is interested in a bicameral parliament. Interestingly the ANC's constitutional proposals also advocate a bicameral system of government. These proposals have received much support from a cross-section of South Africa. We do however need to consider the dangers of such a system.

An upper house may be a positive attribute in that it potentially extends the arena of debate about new legislation by allowing for the revision and indepth consideration of Bills emanating from the lower house. Where the upper house has some independence from political parties and has specialist knowledge, it may play a legally innovative role. At times this innovative role has been evident in the British context. The "lack of constituency pressures makes it easier for the lords to raise controversial subjects. They can thus raise public discussion of social issues in such a way that the commons and the government may take an interest and successful legislation may follow. This was true of abortion and homosexuality in the 1960s and of sexual discrimination in the 1970s²³.

21 BAC focus on Africa - 5 September 1990.

22 Star 30/6/90 and 1990 Nationalist, vol 9-8 cit ed. in Cloete, F., "Minority Rights and Interest Groups" Paper presented at Conference Issues in a New South Africa UNISA conference 1990.

23 Griffin, J.A.C. and Ryle, M. - Parliament, its Functions and Procedure, p. 483 (Sweet and Maxwell, 1989).

The ability of an upper house to push forward democratic debate will depend on how that house is constituted, its powers, and functions.

Despite the innovation role the British house of Lords has played, sometimes, amendments emanating from the house has generally been conservative²⁴, reflecting to a large extent the party affiliations of its members. Indeed this is one of the greatest shortfalls of bicameral parliaments, where it is constituted as a conservative force, it may effectively block legislation emanating from one lower house.

The government is likely to advocate the existence of a bicameral parliament of which the upper house is constituted on the basis of interest groups. Such a formulation will not necessary move away from *de facto* racial privilege. Thus the issue of bicameral parliament will need to be seriously addressed. We shall later return to the problem of race and ethnicity as criteria for identifying collectives.

The government's Group Right Formula is organized around a distinction between "own" and "general" affairs. Such a distinction is quite erroneous as it presupposes that the interests of particular groups are not the interests of the nation as a whole. Such a distinction will create numerous problems for national development, as it implies wastage of resources. The multiplicity of education departments at the moment is a case in point. There are currently 16 departments of education "one for each ethnic/language group plus some coordinating departments"²⁵. It also has the potential to create the space in which groups can undertake activities that are counter-productive to the national interest under the guise of own affairs. The initial object behind the distinction was to ensure that key areas of white social political and economic life remained in white hands. The government has recently developed an alternative model of devolution of power to local administrative structure. Given the inheritance of an apartheid social structure and depending on how local authorities are defined, such devolution could potentially reinforce the existing socioeconomic reality. Local administrative structures could potentially be used to hamper the process of integration of educational, welfare and social facilities, as well as economic redistribution and therefore ensure that the country's resources continue to reproduce white privilege.

Lessons for Group Protection in a Future South Africa

This peculiar history of "Group Rights" has important implications for constitutional settlement in South Africa. The concept of "Group Rights" has been developed not in order to protect a minority or to evoke a harmonious

24 Ibid. p. 480.

25 Coleman, K. (1990) 16.

interaction of groups but to legalize and entrench a privilege position of a racial minority.

The question thus arises as to how this particular history will affect the position of groups in a post-apartheid society. It is important that any constitution deals with the problems created by the earlier systems. A constitution which gives any group special privileges vis-a-vis another group is likely to entrench inequalities.

Even if an ethnic formulation could be worked out that accorded equal rights and opportunities, it will continue to perpetuate and entrench ethnic divisions, and hence fail to achieve a central objective of the struggle of the national liberation movement which is to end a system where race or ethnicity attract legal rights or privileges. For these reasons such a formulation is unlikely to be workable.

Similarly any attempt to protect ethnic/racial groups by giving them separate political representation is likely to be treated with suspicion, given the historical experience of such formula being used to perpetual privilege not only in South Africa but in independent African countries. In Zimbabwe this did not only entrench white privilege²⁶ but also served to create a climate of hostility:

The specially entrenched racial clauses (i.e. those guaranteeing white representation) by continuing to flag the issue of racism became a source of bitterness and instead of allaying white fears racial clauses actually fanned those fears... The inclusion of racial clauses in the constitution not only exacerbates the already poisoned relationship predating independence, but also served as a peg around which other citizens (not white) conveniently hang their grievances, in such a poisoned atmosphere an attack on the racial clauses or special protection clauses is too often misconstrued by the group enjoying the privilege as an attack on the persons constituting the group²⁷.

A primary aim of the struggle of the South African people has been to destroy the Bantustan system which sought to divide and control the African people, and to create a unitary South Africa. Given this struggle against the balkanization of South Africa, any constitutional system which is constructed around ethnically constituted geographical areas will fail to address a primary demand of the liberation movement.

In summary the historical constitutional experience of South Africa will mean that:

26 Ncube & Nzombe, op. cit.

27 Chinamasa, P. Attorney General of Zimbabwe Opening Address to Cold Comfort Farm Trust's Group Rights Conference, 29 June 1990, 21.

- the new constitutional dispensation cannot use race/ethnically as criteria for giving political rights or privileges;
- the system of government must be a unitary one.

The constitution will have to give the right to all South Africans to be equal - that is to exercise their political rights without reference to race, ethnicity, gender or class. However this right to be equal does not suggest the creation of a homogeneous nation. To use Sachs' terms, encompassed in the "right to be equal" is the "right to be different"²⁸. In order to create a new dispensation the issue of what the differences are amongst the South Africa people and how these differences are to be accommodated constitutionally has to be addressed.

Having addressed some of the difficulties that would be encountered through the adoption of clauses which protect racial groups, we need to return to the question of whether racial identity is a basis for granting positive rights. Hence the nature of ethnicity in South Africa needs to be examined.

We need to address the question of what the nature of that identity is. This is important because different types of group identity attract different kinds of legal rights in international law and hence create different obligations on the domestic state. Also the nature of the groups and the relationship between them will have important implications for the potential to create a climate of peace and stability under which development can occur.

Racially Based Collective Rights in a Future South Africa

Addressing the issues of ethnicity and race is imperative. How these factors affect group identity has important implication for the constitutional formula is adopted. Broadly there appear to be 3 possible reasons why ethnicity important constitutionally:

- where ethnicity/race are synonymous with identity as a nation or a nationality or where they constitute a minority;
- where ethnicity is synonymous with cultural identity;
- where ethnicity is synonymous with political interests.

In international law it is clear that nationalities have rights. These rights are political, cultural and economic. Thus the issue of whether or not racial

28 Sachs, A. (1990) *The Future Constitutional Position of White South Africans: Some Initials Ideas* (London).

groups in the South African context constitute Nationalities or minority groups is of crucial importance.

Ethnicity, Race and Status as Nationalities

Shivji²⁹ has argued that where groups are nationalities they have a right to self determination. He argues that in the African context, states are often constituted by many nationalities. He has also examined the historical problems of domination in the post-independence period and on this basis argues that nationalities should be allowed to exercise their right of self determination.

This entails the right to internal democracy and hence an obligation on the state to create constitutional framework for active and full participation of all its people. This may mean the right to separate representation or in the final instance the right to secession.

It is clear that "in line with prevailing international value systems, cultural, linguistic and religious minorities may request special status, but not racial minorities"³⁰. Thus ethnicity can not be the sole criteria for group definition. The government has urged that ethnic groups in South Africa are of such a nature that they constitute nationalities and hence are entitled to self-determination in International law. Initially they defined four groups. White, Indian, Coloured, African. As a result of the development of the Bantustan policy, a further legal segmentation of the African people took place.

Ethnicity and nationality are not static concepts, the identity of groups is constantly in flux. Ethnicity and nationality are phenomena that are constantly manipulated in pursuit of power or in a bid to retain power. Kafsir³¹ has argued that many ethnic groups in the African context were constructed during the colonial period. This was the case in Nigeria with the creation of Yoruba and Ibo. In Kenya with respect to the creation of the Lunyia he points to a decision in 1944 by a group of individuals to create a tribe as this would give them greater political clout. Golden³² has drawn similar conclusions about the creation of coloured identity in the Cape.

The exclusion of Coloureds from the artisan crafts led non-Bantu-speaking people to distinguish themselves from the Bantu-speaking people who had been previously labelled as Coloured.

29 Shivji, I. (1990) *The Concept of Human Rights in Africa*.

30 Cloete (1990) 17.

31 Kafsir, N. (1989) *Ethnicity and Constitutions - Some Cross - National Comparisons*, p. 4. Paper presented to Columbia Conference on Human Rights in Post-Apartheid South Africa Constitution.

32 Golden, I. (1978) "The Reconstruction of Coloured Identity in the Western Cape" In Marks and Trapido op. cit. See also Golden (1987) *Making Race - (Longman)*.

In addition to their shared experience of exclusion and their shared class position "artisan" many speak a common language (proto - Afrikaans) and shared a common religion, (Islam). Spurred by the threat of the deskilling of their jobs and impoverishment, it is not surprising that the wealth of and shared experience was mobilized in support of a reconstructed ethnic identity which bound the aggrieved individuals in defence of their embattled position³³.

Similarly Hofmeyer³⁴ has shown how the development of Afrikaans as a language was parallel with the development of Afrikaner nationalism.

The construction of nationalism and ethnicity therefore cannot be separated from its historical context. The identity as a nation, is a subjective and historical construction. Thus in the context of a national liberation struggle, both oppressor and oppressed and their allies may take on identities as nations.

The white population is constituted from a number of "ethnic" groups (English, Afrikaners, Portuguese, Germans and other); a number of language groups, a number of religious groups. These differences have often resulted in marked and hostile conflicts of interests. The common basis amongst these groups being political privilege as opposed to any primordial base. This process of the creation of white national identity has been coupled with a process of division and separation of the black groups. Clearly, in this context, the concept of nationality in the historical reality of South Africa and as advocated by the whites is linked to power. It must therefore be rejected as it could only be used to entrench inequalities.

It is also important to note that the nature of ethnicity in South Africa is not collapsible into its legal definitions. The legal and social exclusion from certain forms of social interaction does not guarantee the growth of ethnic identity or ethnic group function. Instead ethnic identity is a complex matter of social definition - an interplay of self definition and the definition attributed by other groups.

Whilst Government has sought to entrench ethnic division, anti-apartheid organizations and struggle have emphasized a unity of the South African People and in practice has fostered a common identity amongst black people across ethnic boundaries. This common identity has been reinforced by workers struggles which have also taken place across ethnic divisions. Thus ethnicity, as a result of struggle is not a primary criterion (at a national

33 Golden, I (1987) 160.

34 Hofmeyer, I. (1987) "Building a Nation from Words" Afrikaans Language, Literature and Ethnic Identity" In Marks and Trapido op. cit.

level) for self definition. This is particularly true of the urban areas. Mayer³⁵ argues that:

Exclusive tribal patriotism seems to have almost died in Soweto... Ideologically it is race and class conceptions that were claimed to matter or simply shrugged off". Given these developments 'in at least urban South Africa it is not appropriate to argue that ethnicity is equivalent to nationality.

Perhaps it is because of the realization of these problems implicitly in their concept of "nationality" that the government has recently begun to move away from its insistence on the national status of ethnic groups. They have said that the constitution of these groups is open to negotiations. Given this development, the government can no longer make claims based on international law provisions relating to nationalities.

The concept of ethnicity however remains central to their definition of group. They propose a system in which ethnic groups and an additional "non-racial group" exist.

The claim to "Group Rights" have thus taken a different base, that is that the whites constitute a minority and hence in accordance with international law provisions they have a right to special protection. It is worth citing relating to the protection of minorities. Article 27 of the International Convention on Civil and Political Rights, 1966 states:

In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group to enjoy their own culture, to profess and practice their own religion, or to use their own language.

This must be read with the provisions relating to racial discrimination in its sister covenant, the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibits discrimination. The achievement of the rights embodied in Article 27 cannot take place in a racial form that perpetuates discrimination. The second thing that is evident is that the nature of the "white minority" as presently constituted in South Africa does not form an ethnic minority (it is composed of numerous ethnic groups), religious or linguistic minority but is a political minority and not entitled to claim protection under these provisions. Finally the provision gives cultural and not political protection. Hence there is no basis for white minority rights.

35 Mayer, P. (1975) "Class, Status and Ethnicity as Perceived by Johannesburg Africans". p. 142: In Thompson, L + Butler, J. *Change in Contemporary South Africa* (Berkeley).

Ethnicity and Cultural Identity

It would be legitimate to use ethnicity as a legal definition where it is synonymous with cultural identity. In order to secure the rights set out in Article 27.

The nature of South African society is that cultural factors such as language and religion cut across ethnic, and racial categories and are not ethnically specific. Not only are cultural factors in contemporary South Africa non reducible to race and ethnicity but they are also by their very nature fluid concepts and hence there is a level of absurdity in trying to protect and develop culture through a rigid formulation. Hence it is inappropriate to use separate representation mechanism to protect these interests.

Even if they were identical identities, separate political representation poses further problem in that in all its forms it will necessarily entail legal entrenchment of ethnic differences. This is problematic as it fails to resolve an important demand of the South African people, that is the right to be equal.

Similarly, systems which use a rigid definition of ethnicity whether for political or cultural purpose may have the effect of entrenching difference and making ethnic identity a point of conflict. A case in point is the Indian constitution and its protection of minorities through a schedule, which was adopted in order to give protection to and encourage the development of disadvantaged minorities. However those peoples listed are perceived and treated in a condescending and patronizing way. As is well illustrated in a case commented by Judge Mukwerjera:

The scheduled tribes as is well known are a backward and unsophisticated class of people who are liable to be imposed upon by shrewd and designing people..." given this, it is not a firm basis from which equality could be created.

In the context of South Africa it is inappropriate to designate groups ethnically as it entrenches ethnicity and collapses ethnicity into cultural identity hence treating ethnicity and culture as static, rather than as dynamic factors changing through struggle and interaction. Whilst this is not *per se* an obstacle to majority rule, it clearly poses problems for national development. For these reasons it is inappropriate to treat culture as a basis for political recognition of ethnic groups even if they are synonymous identities.

Racial Identities and Political Minorities

It is arguable that where race/ethnic identity is equivalent to a minority political identity, there should be some form of protection for the political

one in order to ensure that they are not effectively excluded from the democratic process.

Two issues arise in the South African context:

- a) is racial identity synonymous with political identity?
- b) is entrenched political representation the best way to deal with political minorities?

The Relationship Between Racial and Political Identity

It is argued by government that racial and ethnic identity has important implications for political identity and that ethnic or racial groups have strong common interests by virtue of that identity, so that special legal provisions need to be made for such groups.

However it is disputable whether there are correlations between ethnic/racial identities and political opinion that should be protected positively in law. On the one hand it is clear that race is not synonymous with political opinion. In various areas there have emerged cross-ethnic identities and alliances. These have taken place in the social, political and economic arenas. The emergence of a strong national trade union movement which does not use ethnicity as a mobilizing factor is a partial evidence of this. As is the overall pan-South African identity of the liberation movement. There has been a broader, albeit a minority, participation of whites in the struggle, this has meant that a national as opposed to a black identity is in the process of emerging. This and the creation of predominantly white political groups opposed to the government (on the right and left) have also undermined the identity of whites as a political group.

There have been areas in which ethnic identity has been used as a basis for the creation of political positions; Inkatha, Afrikaner Weerstandsbewerung (AWB) and the Nationalist Party (until the recent decision to integrate it) are all organizations which have been ethnically based. However the fact that political alliances have been drawn across ethnic and racial lines indicates that they are not collapsible into each other.

Mechanisms to Protect Political Minorities

Further there is a certain degree of illogicality in trying to protect political identity through a rigged concept of identity.

The most appropriate (and indeed internationally accepted) way of dealing with political minorities is through a multiparty system as opposed to through racial seats in parliament.

The assistance of a bill of rights would certainly add to ensuring that political minorities are not discriminated against. Other possible means of protection are through the entrenchment of the rights of Judicial Review, that is the right of the court to review legislation and to ensure that it is consistent with the provisions of the constitution and bill of rights.

It is sometimes argued that in order to prevent such conflict, minority representation should be established. Earlier we saw racially guaranteed seats become an area of conflict in Zimbabwe. The experience of conflict arising from racially specific categories is by no means limited to Zimbabwe. The Nigerian Federal experience, based on ethnic states, intensified the ethnic and socio-economic problems nationally³⁶.

Whilst conflict does not inevitably arise from racial provisions, it is certainly not a certain method for its prevention. The experience of Africa must alert us to the ability of counter - revolutionary and imperialist forces to manipulate cultural phenomenon in an ethnic manner so as to generate internal conflict³⁷.

However, the potential for such manipulation depends on the social relations of production in a given society. Factors such as who controls state structures and production will be of great importance. The nature of society is also of paramount importance, as is the nature of democracy and the ability for political and social organization to exist and organize freely.

In a post-apartheid South Africa the potential for such conflicts is low given the high level of ethnic integration in the urban areas and the ethnic homogeneity of most rural areas. Other factors undermining the potential for ethnic conflict include the number of ethnic groups. However, it ought to be noted that where differences exist, they can be used to generate conflict. The dangers are enhanced if ethnic identity gives special privileges either legal or *de facto*. An effective way of dealing with this is to ensure the existence of democratic structures rather than by using separate political representation of ethnic groups.

Given the historical experience in South Africa, as discussed in the concluding part of the section on legal history of group rights, the use of racial identity is an inappropriate means of protecting political interest.

Summary

I have argued that given the specific historical experience of "Group Rights" in South Africa racial identity cannot be a criteria for political rights. I have also shown that there is no basis in international law for the white minority to make such claims, neither is it a viable political alternative. However this does not mean that race will never be a legal relevant factor.

36 Nabudere (1990) "Imperialism and Ethnicity in Africa" presentation to Cold Comfort Farm Trusts Conference on Group Rights.

37 This is not to reduce ethnic conflict to that generated by solely by these forces. Indeed such ethnic conflict may also be the form in which class struggles are played out.

Collective Rights in an Anti-Discrimination or Equality Clause

One area in which race is clearly important is in the area of discrimination. An equality clause in the constitution does not necessarily have to be described on valid grounds of distinction. It however may be useful to do this, if one wants to make it 100% clear that unequal treatment on the grounds of race or some other factor will not be tolerated.

Whether the rights embodied in an equality clause are individual or collective rights is an important issue. How we see this will stem from how we understand issues of racism and sexism. It is evident that a new non-racial political dispensation will not bring about an end to discrimination and racial oppression. It will end formal and state discrimination. However racism is not limited to these areas and hence is likely to be a problem in a post-apartheid state. In Zimbabwe, for example, in the post-independence period, racial practices in the area of housing continued to be a problem. Such practices could not be challenged under the bill of rights, given its formulation as a document of the relationship between the state and the individual. Separate legislation had to be introduced in order to curtail this reality. Similarly the US constitution does not make racist or discriminating private practice illegal. This fact has been seen as fundamental to the continued disadvantageous position of the African American community³⁸. Indeed the "classical" construction of a bill of rights - as a document regulating the relationship between the state and the individual - fails to address the systematic nature of racism (and sexism) and is not merely the manifestation of individual prejudice. If it were individual, bills of rights might be adequate. Racist and sexist acts are thus not simply a violation of an individual's rights, but play a crucial part in the continued oppression of a group. In so far as these infringements affect the rights of a collective, we need to provide a collective right of action. By winding the requirements of *locus standi* we would be providing a more effective means for combating racism. Similarly arguments could be applied to other forms of oppression.

The systematic nature of racism makes it necessary for us to reconsider the formulation of other provisions in a bill of rights. The issue of the dichotomy between the public and private needs serious consideration, as alluded to above.

Similarly a constitution would need to make provision for affirmative action. It is often argued that a constitution and a bill of rights should be a

38 Interview with David Scott, Chief of Staff, Rolando Costa, Deputy Commissioner for Law enforcement, NYC, Commission on Human Rights, March 1991. Interview with C. Rutherford, Head of Black Woman's Employment Project of the National Association for the Advanced of Coloured People (USA) March 1991.

general statement of principle, so that it can survive various era, and that the place to deal with these kinds of concerns is in subsidiary legislation. This argument may be attacked on the grounds that it assumes that racism, sexism and other forms of oppression are easily removed. The historical reality is that despite "democratic constitution", they have remained important factors in many, if not all countries over generations. Given this reality we ought to use as many available means as possible to strive for their eradication. Secondly the value of a constitution lies not in its definition of an abstract ideal but also in creating the framework for the realization of that ideal.

Collective Cultural Rights

In the South Africa context there are clearly established cultural interests. These cultural factors are not collapsible into ethnic identity, neither are they identifiable with distinct groups. There is a strong recognition from a cross section of South African society that cultural interests ought to be protected and developed. This multi-cultural identity has been recognized by all sectors of the liberation movement. Within the Congress tradition³⁹ a great deal of emphasis has been placed on the right to develop, and use one's language, religion and culture. In fact the struggle to exercise these rights has been a key element of the national liberation struggle.

The right to use and develop one's culture is also a right well established within international law as stipulated in Article 27 of the International Covenant on Civil and Political Rights of 1966, cited above. Also the Africa Charter of Peoples and Human Rights recognizes rights of social and community character.

Given this recognition, in South Africa and internationally, of the right to use and develop one's culture, as well as the fact that this has been a central demand of the struggle of the South African people, a new dispensation needs to recognize cultural differences and create the condition for the development of diverse cultures, without creating the potential for future conflict, the question thus arises as to how one deals constitutionally with this multi-culturalism. We need to address constitutional formula for protecting cultural values.

In a multi-cultural, multi-faith country such as ours, (South Africa) a correct approach to harmonizing the right to be the same (politically) with the right to be different (culturally) is fundamental to any constitutional scheme⁴⁰.

39 See Freedom Charter, 1956: ANC Constitutional Guidelines.

40 Sach, A. (1989) "A Bill of Rights for South Africa: Areas of Agreement and Disagreement" in (21) *Columbia Human Rights Law Review*, p. 13 at 26.

There are a number of constitutional formulae which could be adopted. There is a strong tendency in the progressive movement to assume that a bill of individual rights is an adequate constitutional means⁴¹. Thus we have examined the value/shortcoming of a bill of individual rights and the implications thereof. There are a myriad of other mechanisms that could be considered; these include cultural charters (as interpretative instruments) and advisory councils.

A Bill of Individual Rights

It has been suggested that effective cultural protection can be attained through a bill of rights. It has been argued that a bill of rights through giving individual protection is the most effective mechanism for protecting the interests of collectives⁴². Such an interpretation overestimates the ability of an individual protection mechanism to give group protection and the arguments made above in respect to racism apply.

In assessing the viability of any constitutional formulae regard has to be paid not simply to the substantive law but also to procedural and enforcement aspects. The conventional theoretical divide between substantive law and procedural law results in a misunderstanding or only conceptualization of the scope, implication, limitations and nature of the law. In practice Bills of rights have seldom been able to give effective protection. bills of rights exist in many African countries including those with high records of human rights abuses⁴³. The existence of a bill of rights cannot be equated with the ability of the people to enforce the rights afforded. Even where bills of rights are coupled with anti-discriminatory legislation they have not always effectively protected cultural rights or been effective anti-discriminatory mechanism. The shortcoming of a bill of rights is that it gives rights to an individual who is often unable to enforce them. The United States is a case in point. In spite of the existence of a bill of rights and anti-discriminatory legislation, African Americans and other minorities are continually discriminated against. Access to the courts is extremely limited and hence the question of accessibility needs to be addressed. Whilst this is not *per se* a constitutional question it can be addressed constitutionally by allowing for group action, or public interest litigation.

41 Cold Comfort Farm Trust Conference Report 1990. "Groups Rights and Minority Protection in South Africa - Entrenchment of White Privilege of an Asset to Democracy?"

42 Jana, P. "Minority Rights" presentation to Cold Comfort Farm Trust Group Rights Conference 1990. Omar, D. "Minority Rights" presentation at CCFT's Group Rights Conference.

43 Including Kenya and Nigeria.

In the South African context it will not be the minority (the rich, the powerful or whites) primarily who will need to protect their cultural rights. Discrimination in all forms is likely to continue to be a problem despite the creation of a post-apartheid State. The Zimbabwe experience has adequately illustrated that transition to a more equitable system does not mean that previously privileged groups lose control of important arena.

We need to take cognizance of this. We can well imagine a situation where a cultural right, for example the right to use and develop one's language, is undermined by racist publishers who refuse to publish certain works or where property owners refuse to hire halls etc. to language groups that have previously been discriminated against.

The resolution of such discrimination needs to go beyond mere criminal sanction, and provide for a collective right born in the bill of right and in anti-discriminatory legislation. It may well be argued that a constitution need not address all these detailed questions and that it should just provide the basic principles, in the context of which appropriate subsidiary legislation can be adopted. Whilst this is a possibility, it must be stressed that there is a substantial difference in status between Constitutional Law and subsidiary Statute Law. Thus although the constitution need not examine each eventuality it must create the framework for dealing with each eventuality and making the right effective. It is our argument that to make these rights effective in law, the right to legal action must be extended beyond an individual to a collective, so that any member of that group may take legal action.

An additional issue arises as to whether the bill of rights is the best place for such provisions. This will depend on the status of the bill of rights. If it is an entrenched and justifiable part of the constitution it should be adequate, if it is not, one needs to look at making direct provisions in the main body of the constitution.

Collective Cultural Rights in the Constitution

Many constitutions recognize the right of all people to use their own language, religion and to develop their culture. These include the Benin Constitution, the Indian Constitution, the Canadian Constitution.

Article 3 of the Benin constitution provides:

The Popular Republic of Benin is a unified multi-national state. All nationalities are equal in rights and duties. Consolidating and developing their union is a sacred duty of the state, which shall assure to each one a full development in unity, a just policy toward nationalities and an inter-regional balance.

All acts of regionalism shall be rigorously prohibited.

All nationalities shall be free to use their spoken and written language and to develop their own culture.

The state shall actively aid those nationalities living in undeveloped areas to attain the economic and cultural level of the country as a whole.

There are clearly differences in the nature of the right sought to be protected - in Benin it is the right of nationalities, in the South Africa context it is the right of cultural groups. Such rights deserve the highest recognition in law that is constitutional recognition given the long history of subordination and discrimination. The right to use and develop ones language, religion and culture is a right held in community with others. This right has to some extent been acknowledged in the ANC's constitutional proposals that all languages be given equal status. Language and culture by their very nature are practiced collectively. The way in which a collective right is defined has important implications for the way in which these rights are enforced. In this instance it means that any member of the group (language, culture, religion) will have the right to introduce an action where an individual has been discriminated against. That involves a wider definition of *locus standi* than normally used.

Such a provision is also open to potential difficulties. It could create the basis for people to organize around these phenomena and to use such organization in a anti democratic or non progressive way. Sachs draws attention to the following problem. There are cultural associations with a primarily ethnic basis and hence language could potentially be used to restrict membership of an organization and could thus be used as "covers for ethnic divisiveness and racist mobilization"⁴⁴. Although language may have a predominantly ethnic basis, it is not exclusively so, and hence an organization of Afrikaans speakers would not be limited to white Afrikaans - speaking people. A means of dealing with this problems is by imposing limitations on organization through anti-racist, anti-sexist and anti-fascist clauses in the constitution.

There may however be additional economic problems, as giving cultural rights may impose a duty on the State to ensure the exercise of the rights. It may severely limit the economic planning ability of the state and result in the wastage of resources. The problem for example with the right to use ones language is whether this includes the right to mother-tongue instructions, as well as the right to use ones language in parliament, in court and in a myriad of other public places. This needs serious and detailed

44 Sachs (1989 28.

attention and thus we are not at this stage advocating imposing a correlating duty on the State. The constitutional provision that is being advocated at this point, is the exercise of this collective rights, and the enforcement thereof at the expense of the collective and other public interest bodies.

The issue of supplementary mechanisms that enhance the ability of collectives to use their rights will need to be seriously addressed if these rights are to be made effective (whether provided for in a Bill of individual and Collective Rights or in the main body for the Constitution). Procedures that will need to be considered include those that relate to instituting court proceedings. Litigation in the Supreme Court, where the enforcement of constitutional rights is dealt with is normally very expensive and hence inaccessible. Alternative methods of petitioning the court would have to be considered. For example, the procedure adopted in Indian courts, that allows for the initiation of proceedings simply by a letter to the court, as opposed to filing papers could be adopted.

Collective cultural rights are a desirable addition to the constitution as:

- it ensures or provides a means to ensure that old discrimination is not continued by extending rights to collective and hence making enforcement thereof easier;
- it creates the climate for the development of a multicultural society and hence provides a means to protect and develop all cultures;
- it reduces white fears of cultural domination in a post independence period. It is important to deal with white fears as it has been these fears that have been mobilized by the present government in their bid for "Racial Group Rights". By making such provision (which are also not in conflict to our own aspirations) we are able to undermine the support basis for the government's insistence of an implementation of group rights system which is tantamount to group privileges. Such protection does not derogate from the rights of the majority to rule as it does not accord any special political privileges to groups. They are also politically in line with the overall policy of the liberation movement to facilitate the development of all the languages, cultures and religions of the South African people. In this sense these provisions are in our interests as well as undermining any claims to "group rights" which will endanger the process of constitutional settlement;
- it will undermine the ability of counter-revolutionary forces to manipulate cultural identity in order to create ethnic conflict in a post independence period.

For these reasons, it is submitted that such a constitutional mechanism for protecting collective cultural rights will be in the interests of the South Africa People as a whole and hence should be adopted.

Collective Rights of Workers and Business

It is generally recognized within law that the granting of collective and minority rights is done in order to protect disadvantaged groups⁴⁵.

Given the structure of capitalist society and the nature of the labour process, labour is in a weaker position vis-a-vis capital. The strength of workers arises only from their collective power, whereas the strength of employers is by virtue of their ownership of property. This history of the struggle for workers rights is long, but it is this fact that has been the basis for recognizing in law that workers have collective rights. The issue then arise that if workers have such rights should business not also have protection rights.

Collective Rights of Business

The constitutional recognition of business' rights will only serve to re-create or perpetuate the old inequality which the granting of workers rights sought to correct. One of the key factors preventing transformation in many newly independent countries to a more equitable economic system is the age old recognition of the right to property.

It is important at this stage to make a distinction between kinds of property. Property may broadly be divided into two categories:

- personal property which includes clothes, books, houses, cars etc.
- productive property which is property through which production takes place i.e. factories, farms etc.

The right to personal property is an individual right, and something that all (albeit unequally) have access to. Whilst the right of productive property is a collective right exercised by a particular class. It is by failing to make this distinction that the right to property is dressed up as an individual right. The constitutional protection of the right to personal property will not necessary prohibit the transformation of society. Any constitution protection of productive property necessarily entrenches the inequitable social relations currently existing.

In the Zimbabwe context the constitutional protection of property had the disastrous effect of entrenching racial and class inequalities. Clearly given this, to protect the right to property will effectively curtail the power of the new government to introduce reforms and hence should be avoided.

45 Palley, C. *Constitutional Law and Minorities* p. 1 (Minority Rights Group London).

Collective Workers Rights

There is international recognition of certain collective rights of workers (e.g. the right to strike). The question arises which collective rights of workers deserve protection and what form such protection should take.

(COSATU) Confederation of South Africa Trade Union has proposed that a new constitution should include the right to organize, and the right to strike⁴⁶. It has not however agreed as to whether socioeconomic rights should be incorporated into a new constitution⁴⁷.

The right contained in the (SACTU) South African Congress of Trade Unions worker's charter⁴⁸ includes: (1) The right to work; (2) The right to form and join trade unions and to freely organize; and (3) The right to equal opportunities for all workers. The South Africa Communist party adds the following (4) The right to family life; (5) The right to health and safety; (6) The right to security⁴⁹.

Whilst all these things need to be created, the issue of whether they can be enforceable rights is quite another. The SACP charter recognizes that a "worker charter must impose a duty on the state to undertake development in such a direction so as to ensure the ultimate attainment of these objectives"⁵⁰. In this sense whilst the unemployed will not have an action against the state for failing to provide work, they will have an action against the state for failing to take account of these things in their planning. This is a desirable effect and provided that these rights can be succinctly phrased and it is made clear that these are directives, they should be included in a constitution. There are however workers rights which should be entrenched and enforceable rights in Law. These rights will not impinge on State resources and hence there is no reason why they should simply serve as directives.

The status of directives also needs to be clarified; they could be included in a document which serves as an interpretative instrument or they could be entrenched in the constitution so as to create obligations on the State.

Finally the question of who has *locus standi* needs to be addressed. Workers rights need, in order to be most effective, to be framed in collective terms, so that any worker or body of workers may take up a case of another worker.

46 Devan Pillay "The Workers Charter Campaign" in SALB vol 15 No. 5 Jan. 1991, p. 40.

47 Ibid. p. 42.

48 SACTU draft in "Workers' Charter" in WIP 62/63, p. 44 - 45, (1990).

49 SACP draft charter in "Workers Charter" In WIP 62/63, p. 42-43, (1990).

50 Ibid.

Collective Women's Rights

Whilst it is often recognized that the discrimination that women have faced needs to be addressed, it is equally often assumed that equality can be achieved by broad anti-discriminatory and equality legislation and "gender neutral" law.

Legal history makes it blatantly clear that equality has not been created through these mechanisms. All the limitations of equality theory in eradicating women's oppression cannot be discussed here⁵¹. As with racism, how we provide for women's rights will depend on how we understand women's oppression. In so far as women's oppression is not the sum total of individual acts of prejudice against women, but a systematic form of oppression, women ought to have access to collective means to eradicate it. Given the form and consequences of women's oppression, women ought to have the collective right to affirmative action, not simply to address past wrongs but also continual and present wrongs. For affirmative action to be meaningful, government policy must generally be directed towards the elimination of oppression. Thus a constitutional statement of equality must be enforceable against government, in the sense that government policy must at all levels be geared towards the creation of equality. For such a clause to be effective it must create an obligation on the State and put the onus of proof on the State to show that their action/policy is consistent with the equality clause.

Sachs⁵² suggests that in providing for women's rights only the basic principles need to be set out in a bill of rights and that a "Charter could be adopted as a legislative code with special status, responding to the many concrete questions needing solution". However, for it to be effective this 'special status' needs to include entrenched and enforceable rights. Again the problem of State resources arises and a distinction on the basis of practical research between areas that ought to be directives but impose obligation on the state as discussed above and those which ought to be enforceable *per se* may need to be made. A woman's charter will need to consider in detail the specific nature and form of oppression in various areas and specifically create the tools for eradicating oppression in that area. As with racism and culture the rights conferred upon women need to be collective rights, so that the right to legal action is not confined to the

51 Sachs (1989), *op.cit.*, p. 42.

52 Thus for example in the area of employment it would not be adequate to simply state the principal of "equal pay for work of equal value". The issue of how work is to be evaluated will have to be addressed, particularly since there are areas of employment which are predominantly female and no obvious legal comparison to an area of male employment can be made.

woman suffering the "injury" but so that any woman or a public interest body may take up her case.

Conclusion - Collective Rights a Necessary Part of a Democratic Order

Clearly procedural issues need to be considered in order to make the right effective. The ideas expressed in the section of cultural rights clearly apply.

The role of a new South African constitution will be to create social harmony, redress inequality and provide the space for significant social transformation.

We have argued in this paper that certain kinds of collective rights-political racial rights - will fail to address the challenges of new order and will serve to perpetuate the old order. We have shown that there is no basis in international law or with respect to the South African reality for the protection of such rights.

There are however, other categories of right which will need collective protection in order to make them effective. This is so because of the collective nature of the rights (e.g. language, religion) or because the individuals belonging to the group, experience the effect of their membership of that group collectively (e.g. women and workers). With respect to the latter, because one is trying to change the position of a group, and because historical experience has taught us that individual protection is an inadequate means of redressing the situation - we have in this context argued for the recognition of collective constitutional rights.

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Traditions de l'autoritarisme et problèmes de gouvernement en Afrique sub-saharienne

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Abstract: *Contemporary processes of democratisation in Africa mark the erosion of the "post colonial compromise", the emasculation of the traditional instruments of state power and entail far-reaching socio-cultural transformations. The contexts in which conflicts over redistribution take place are being renegotiated, both peacefully and violently. Redistribution is thus no longer the dominant factor of social and political mediation. Despite substantive gains, democracy in Africa will not necessarily emerge from administrative decrees, national conferences or on-going economic reforms. The democratic possibility will depend on increasing productive capacity through the intensification and formal codification of inequality and construction of institutions premised on negotiation, deliberation and persuasion. Externally, the present wave of globalization has tended to exacerbate the geopolitical marginalization of the continent. Meanwhile, Structural Adjustment reforms have not resulted in increased efficiency, competitiveness and cost-effectiveness as predicted. Politically these reforms may result in the reinforcement of the material bases of authoritarian forces. Thus Africa is facing the menace of militarized commerce akin to that which occurred during the transition from the slave trade to legitimate trade. However some countries have the potential for devising alternate options for the 21st century.*

Introduction

Au cours des dix dernières années, l'ajustement de leurs économies à la contrainte externe a accentué la crise de légitimité dont souffraient déjà maints régimes africains, civils et militaires. Afin de répondre à cette crise de légitimité et, parallèlement, de maîtriser à leur avantage les recompositions sociales induites par le procès d'ajustement lui-même, de nombreux pays ont entrepris des réformes institutionnelles allant dans le sens d'une libéralisation de la vie politique. Il est sans doute trop tôt pour mesurer la solidité et l'efficacité de ces réformes¹. Elles ne mèneront pas automatiquement vers la démocratie. Plus grave encore: dans la plupart des

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1 Une tentative d'évaluation - fort partielle - est faite par M. Bratton, N. van de Walle, "Toward Governance in Africa: Popular Demands and State Responses", in G. Eyden, M. Bratton (eds.), *Governance and Politics in Africa*, Lynne Rienner Publishers, Boulder & London, 1992, pp. 27-56.

pays, elles sont conduites dans la perspective d'une restauration, sous des formes plus ou moins acceptables, de la logique autoritaire. On sait, en effet, que certaines n'ont été consenties que sous la pression. Celle-ci n'était pas d'origine exclusivement externe. A l'intérieur, les choix de politique économique imposés par les créanciers internationaux et les objectifs d'austérité budgétaire ont souvent été contrecarrés par un regain de vitalité de la société dite civile.

La part de l'aléatoire

Quoiqu'il en soit, on aurait tort de sous-estimer les gains résultant de ces réformes, surtout si l'on tient compte du verrouillage qui prévalait, presque partout, il y a seulement un an. Dans plusieurs pays, le principe des élections disputées entre plusieurs formations politiques est désormais admis, sinon en pratique, du moins en théorie. A la suite des *conférences nationales*, des autocrates ont été marginalisés ici et là, même si, jusqu'à présent, de véritables alternances n'ont eu lieu que dans quelques rares cas (Cap-Vert, Bénin, Zambie). Au demeurant, la tentation militaire n'a pas entièrement disparu, et les risques de rechute autoritaire, sous la houlette de la soldatesque, ne sont pas à exclure. En revanche, un nombre impressionnant d'espaces quasi-autonomes d'expression ont été créés, et de nombreuses organisations non-officielles ont vu le jour (organisations de défense des droits humains, collectifs d'avocats, d'enseignants, de journalistes, d'étudiants, de chômeurs, de transporteurs ou de commerçants...). Sous des formes inédites, un véritable pouvoir social est entrain de se réaffirmer, tandis que la *société civile* prend peu à peu forme et s'institutionnalise, parfois en marge du champ étatique proprement dit ou hors de la tutelle des bureaucraties post-coloniales: en tout cas, selon des modes fort hétérogènes².

De vieilles institutions que les régimes en place avaient cherché à briser ou à coopter, ré-émergent aussi. De nouvelles autres ré-inventent la tradition et, procédant par assemblage de l'ancien et du neuf, de l'autochtone et de l'importé, donnent corps et vigueur à des sociétés dont on croyait la créativité émoussée par de longues années de caporalisation et d'enregimentement (parti unique, syndicat unique, censure et diverses formes de répression de la dissidence). Toutes assument plus ouvertement que par le passé, des fonctions de médiation sociale et politique, dans un cadre où un pluralisme de fait prévaut plus que jamais. C'est le cas des petits collectifs, des mutuelles de développement, des associations d'originaires, des clubs, amicales et fraternités, des tontines et des réseaux

2 Cf. N. Chazan, "The Dynamics of Civil Society in Africa", Paper presented at the International Conference on "Civil Society in Africa", Jerusalem, January 5, 1992-January 10, 1992.

financiers *informels*, des cultes religieux populaires, des mouvements de prière et de guérison, des sociétés secrètes, des chefferies et autres structures dites traditionnelles. En dépit des tendances prononcées au *localisme* et à la fragmentation, partout, se dessinent les contours d'une sphère publique différente de ce qui en tint lieu au cours des trente dernières années. Celle-ci puise la plupart de ses formes et de ses langages aussi bien dans le génie culturel africain que dans la créativité issue de sa rencontre controversée avec l'Occident.

Prendre acte des gains réalisés suppose, parallèlement, que l'on tienne compte de la complexité des mouvements sociaux qui ont conduit à ces réformes. Leur causalité et leurs origines ne sauraient, en effet, être réduites à des facteurs externes. Contrairement à ce que l'on feint de croire, l'avortement du projet autoritaire en Afrique sub-saharienne doit très peu aux événements survenus en Europe Centrale et de l'Est en 1989-1990, même si, à l'évidence, il participe d'un *temps mondial* fort favorable au modèle libéral. De surcroît, cet avortement est en train de suivre un cours propre. Ce cours diffère sérieusement de ce que l'on a observé en Amérique du sud et dans les anciennes *démocraties populaires*, que ce soit sur le plan interne ou du point de vue de ses impacts probables sur les rapports de force internationaux.

Du point de vue des facteurs internationaux, sans doute vaut-il la peine de remarquer que la relaxation des contraintes imposées autrefois par la *guerre froide* a peut-être accéléré la décomposition des régimes africains qui, de façon purement instrumentale ou non, utilisaient la référence socialiste ou marxiste comme facteur de légitimation idéologique (Ethiopie, Angola, Mozambique, Bénin, Congo)³. En tout cas, l'invololution, puis la dislocation de l'Union soviétique et l'émancipation de ses ex-satellites les a privé d'une partie décisive des ressources auxquelles ils devaient, jusqu'à récemment, une partie de leur reproduction. Mais la fin de l'antagonisme Est-Ouest n'a pas encore conduit au *lâchage* complet des tyrannies de l'Afrique *utile* (celle où les intérêts occidentaux demeurent substantiels), en dépit des tendances au *désengagement* (Cameroun, Gabon, Zaïre, Kenya, Côte-d'Ivoire...).

Du point de vue des rapports internes, on doit observer que contrairement à ce qui s'est passé en Europe Centrale et de l'Est, les régimes autoritaires africains ont à des variations près, conservé une étonnante capacité de rétention et de redéploiement, non seulement de leurs bases matérielles et de leur pouvoir de coercition, mais aussi de leurs *tuteurs* extérieurs et des ressources tirées au titre de l'extraversion - et ce, au

3 Au sujet de cette instrumentalisation, lire l'analyse que proposait, au milieu des années quatre-vingt, Zaki Laidi, *Les contraintes d'une rivalité*, Paris, La Découverte, 1986.

moment même où l'environnement extérieur semblait leur être défavorable - et où, à l'intérieur, ils perdaient l'essentiel de leur légitimité tandis que s'accélérait le processus de dépérissement de l'Etat. Ces quatre facteurs, à savoir: la tendance au dépérissement de l'Etat, le redéploiement de leurs bases matérielles, le contrôle plus ou moins absolu des organes de répression, la continuité dans l'accès aux ressources de l'extraversion, n'aident pas seulement à comprendre pourquoi ils ont pu endiguer, ne serait-ce que provisoirement, les assauts des divers mouvements d'opposition interne. Ils expliquent aussi pourquoi, tant dans ses causes que dans son déroulement et ses conséquences, la trajectoire africaine diffère des expériences est-européennes. Prenons un exemple: la tendance au *dépérissement de l'Etat en Afrique*.

Elle est le résultat d'au moins deux causes liées entre elles. Elle est alimentée, d'une part, par les dynamiques de la *conditionnalité* (conditions d'ordre économique à l'origine puis, de plus en plus politique, attachées à tous les prêts accordés par les institutions financières internationales au titre des programmes d'ajustement structurel). Sous ce couvert, la tutelle exercée sur les Etats africains par les créanciers internationaux ne se limite plus à imposer le respect des grands principes et équilibres macro-économiques. Dans la pratique, les régimes au pouvoir ont été peu à peu dépossédés d'une grande partie des attributs normaux de la souveraineté. Tout au long des années quatre-vingt, la tutelle des créanciers s'est de plus en plus traduite par une série d'interventions directes dans la gestion économique interne de ces Etats (contrôle du crédit, mise en oeuvre des privatisations, définition des besoins de consommation, des politiques d'importation, des programmes agricoles, contrôle du Trésor, compression des coûts, prélèvements divers...).

En s'acharnant à démanteler toutes les interventions étatiques dans l'économie (que celles-ci prennent la forme des contrôles, des subventions ou des protections) sans pour autant rendre l'Etat lui-même plus efficace et sans parvenir à lui assigner, positivement, de nouvelles fonctions, on l'a placé dans l'incapacité d'effectuer les arbitrages stratégiques et de définir la nature des compromis sociaux indispensables à tout passage conséquent à l'économie de marché en Afrique. En déplaçant le lieu des choix politiques, réglementaires et techniques, on n'a pas seulement transféré à des tuteurs internationaux (les bailleurs de fonds publics et para-publics notamment) les sources mêmes du pouvoir, de l'influence et de la légitimité. On a mis en place les conditions d'une déstabilisation interne.

La tendance au dépérissement de l'Etat est alimentée, d'autre part, par les *dynamiques de la violence*⁴. Ces dynamiques de la violence sont,

4 Sur quelques aspects de cette économie de la violence, cf. A. Mbembe, "Pouvoir, violence et accumulation", in J.F. Bayart, A. Mbembe, C. Toulabor, *Le politique par le bas en*

elles-mêmes, accentuées par l'aggravation de l'austérité économique, la montée des revendications politiques et les formes de régression utilisées par les régimes au pouvoir dans le but de contenir la vague protestataire. C'est dans ce contexte que se situent la multiplication des émeutes urbaines et des opérations de pillage, ou encore la destruction systématique des symboles de l'opulence postcoloniale à l'occasion des grèves ou des manifestations de rue. Ces opérations sont conduites par la soldatesque ou par de jeunes étudiants, casseurs, désœuvrés et autres victimes des licenciements économiques et de la pénurie. C'est également dans ce contexte qu'il faut expliquer, non seulement les incidents au cours desquels l'armée tire sur la foule, mais aussi l'émergence d'une culture du *raid* et de la *razzia*. En effet, à la faveur des opérations dites de *rétablissement de l'ordre public*, est en train de prendre corps, au cœur même des organes de répression et dans les plus hautes sphères des institutions policières, militaires et para-militaires de plusieurs Etats africains, une sorte de pègre armée qui vit d'extorsions, de rackets, et de passe-droit, utilisant, *de facto*, la violence d'Etat à des fins d'enrichissement privé.

Ainsi, le monopole de la violence est entrain d'échapper aux institutions de droit. L'attestent: la banalisation des raffles et des saisies illégales, la répétition des barrages routiers et les innombrables entraves à la libre circulation des personnes et des biens, la multiplication des prétextes à l'extorsion, la soudaine régularité avec laquelle surviennent meurtres et assassinats non élucidés, le nombre sans cesse croissant des cas de vengeances et de règlements de compte, le caractère de plus en plus criminel des interventions des élites au pouvoir dans les activités économiques (trafic de la drogue, des armes et des déchets toxiques). La chute du pouvoir externe de l'Etat et l'amointrissement de ses capacités de fonctionnement interne sont également illustrés par les tensions provoquées par le processus simultané de liquidation plus ou moins organisée des services publics minima (santé, éducation, sécurité...) et d'aggravation de la pression fiscale, sur fond d'accroissement de la dette extérieure, d'intensification de la corruption, et de privatisation des moyens de la violence publique.

L'avortement de l'autoritarisme et, partant, le pronostic démocratique - diffère donc de ce qu'il fut en Europe Centrale et de l'Est, en partie à cause des contours propres qu'emprunte la désétatisation en Afrique. Il diffère aussi de ce qu'il fut en Europe du Centre et de l'Est à cause des effets *pervers* des réformes visant à promouvoir l'expansion du capitalisme sur le continent. En théorie, l'application des mesures néo-classiques imposées par les institutions financières internationales était supposée optimiser l'impact

Afrique noire: contribution à une problématique de la démocratie, Paris, Karthala, 1992. Voir aussi le numéro "Violence et pouvoir", *Politique africaine*, 42, 1991.

économique des prêts accordés aux Etats africains et aboutir à une amélioration de la compétitivité de leurs économies sur le marché mondial. Dans la pratique, ces réformes ont été, jusqu'à présent, habilement utilisées non seulement par les régimes au pouvoir dans le but de redéployer leurs bases matérielles, mais aussi par les intérêts privés occidentaux dans le but, non pas de se *désengager*, mais de raffermir leur emprise sur les rares secteurs encore rentables de l'économie. En effet, cette emprise se consolide à la faveur du démantèlement des monopoles publics que requièrent les plans d'ajustement structurel (privatisation des sociétés d'Etat et des assurances, libéralisation des filières de commercialisation des denrées, produits tropicaux et ressources du sous-sol, suppression des subventions, des prix plafonds aux producteurs, politique active du taux de change...)⁵.

Parallèlement, les mesures imposées au titre de l'ajustement structurel ont fait sauter les garde-fous sociaux et institutionnels qui permettaient une certaine redistribution des ressources nationales. Ce faisant, elles ont lâché la bride à une effervescence prédatrice d'une ampleur peu connue auparavant. Pour comprendre les ressorts de cette dérive, il faut se rappeler que la plupart des Etats africains n'ont fait semblant d'adhérer aux principes de l'économie de marché que fort récemment. Dans la plupart de ces pays, le pouvoir, ses rouages centraux, la plupart de ses structures de gestion sont restés entre les mêmes mains (Côte-d'Ivoire, Gabon, Cameroun, Kenya, Zaïre, Congo, Togo...) Il faut également comprendre que jusqu'à présent, et à de rares exceptions près, la désétatisation en Afrique a surtout consisté en de simples opérations de transfert de propriété. Or, on sait qu'en l'absence de marchés de capitaux dignes de ce nom, la gamme des repreneurs est très limitée, puisque seuls quelques nationaux disposent de ressources potentielles d'accumulation.

On sait aussi que, depuis l'époque coloniale, la séparation entre l'Etat et le marché a été approximative et qu'il en a résulté un amalgame entre la détention des positions de pouvoir au sein de l'appareil bureaucratique et le contrôle des canaux de spéculation et d'enrichissement. Cet amalgame a été amplifié au lendemain des indépendances. Et, la cristallisation de telles pratiques aidant, convertir le service public en une source de gain privé est devenu une partie constitutive de la culture du pouvoir. Les réformes imposées au titre de l'ajustement structurel - notamment celles qui touchent à l'administration de l'économie et à la dévolution des propriétés - n'échappent point à ces contraintes. Elles sont constamment *ré-arrangées*, *dévoquées*, *détournées* et infléchies. Si bien qu'en l'état actuel des choses, et

5 Voir les faits rapportés par W. Reno, "The Politics of Patrimonial Adaptation to Reform", Paper presented to the Conference on "Democratization and Structural Adjustment in Africa", University of Wisconsin-Madison, Madison, 2-3 May 1991.

compte tenu du contrôle administratif et politique que les factions au pouvoir exercent sur l'appareil d'Etat et sur la gestion des réformes, rien ne permet de conclure qu'un traitement de la stagnation africaine fondé sur la seule offre de capitaux accroîtra forcément l'efficacité, la compétitivité et la rentabilité des économies locales.

L'on assiste, par contre, à un basculement, dans l'*informel*, de pans entiers des échanges internationaux de ces pays⁶. Une véritable *économie de l'ombre* est en train de se structurer. Faite de contrats secrets, de traités inégaux, de transferts illicites et de concessions abusives, de trafics clandestins et transfrontaliers de métaux précieux, d'or, d'ivoire, de diamants et d'armes, elle prospère, mi-maffieuse, mi-légale, sous le couvert des privatisations et de la libéralisation. Jusqu'alors, elle ne s'est pas seulement avérée aussi improductive et aussi prédatrice que les formules qui l'ont précédée. Elle est, de surcroît, à l'origine d'une violence d'autant plus rampante qu'elle se développe sur fond d'austérité économique et de multiplication des demandes sociales. Dépérissement de l'Etat et implosion du marché formel constituent donc deux paramètres qui donnent aux expériences africaines d'avortement et de restauration de l'autoritarisme un caractère propre. Or, ces deux tendances risquent d'avoir, pour effet désiré ou accidentel, le renforcement des bases matérielles des forces sociales les moins disposées à *démocratiser*.

D'autre part, parce que l'emprise des factions qui contrôlent toujours l'appareil d'Etat ne se limite plus au secteur dit formel, mais étend ses ramifications jusque dans l'économie souterraine, un *bloc historique* fait de spéculateurs internationaux, de courtiers, trafiquants et négociants étrangers et de leurs traitants locaux est en voie de se consolider. Dans le cas où il parvient à endiguer la poussée protestataire, à mettre en échec les forces qui exigent de nouveaux rapports entre les gouvernants et les gouvernés et à contrôler à son avantage le processus de reconversion économique en cours, elle ne contrôlerait plus seulement ce qui reste d'appareil d'Etat. Sous les apparences de la *privatisation*, et dans le cadre des programmes visant à favoriser l'expansion de l'économie de marché, ce *bloc historique* jouirait de privilèges et de droits quasi-extraterritoriaux. Il serait dès lors en mesure de confisquer non seulement des pans entiers de l'économie formelle, mais aussi une partie substantielle des réseaux souterrains et de la contrebande. Sur le plan politique, il n'en résulterait pas forcément une avancée de la démocratie en Afrique. Au contraire, les probabilités de rechute autoritaire s'accroîtraient, au fur et à mesure que se présenteraient les dangers d'une militarisation du commerce et des affaires, à l'exemple de ce qui se déroula

6 Lire J. MacGaffey (ed.), *The Real Economy*, London, James Currey, 1992.

au XIX^{ème} siècle, au moment du passage de l'économie négrière au commerce dit légitime⁷.

Ces mouvements de fond et ces continuités historiques n'empêchent cependant pas que, sur un plan purement événementiel, des rapprochements puissent être faits avec ce qui s'est passé ailleurs. Ainsi, peut-on relever qu'aussi bien en Europe Centrale et de l'Est que dans certains pays africains, on a assisté à une désintégration rapide des institutions politiques existantes et à une érosion du pouvoir d'Etat, suite à une dislocation des structures économiques et un délabrement de l'appareil productif. A la faveur d'arrangements transitoires, l'opposition et les forces qui la soutenaient ont accédé, à des degrés divers, au contrôle des institutions publiques⁸.

Sur ce registre, les *conférences nationales* (Bénin, Togo, Mali, Congo, Niger...) renverraient alors, bien que de loin, au cas polonais suivant lequel d'importants mouvements *par le bas*, relayés par des fractions des élites regroupées au sein d'une coalition oppositionnelle composée d'autres couches sociales, font perdre aux détenteurs du pouvoir tout contrôle exclusif sur les rythmes à imposer aux changements. Forcées de négocier, l'ensemble des fractions de l'élite (opposition et détenteurs du pouvoir) passent des *compromis* explicites visant à définir les nouvelles règles de gouvernement et accordant des garanties mutuelles à toutes les parties concernées. La voie est alors ouverte pour des révisions constitutionnelles allant dans le sens d'une plus grande libéralisation du système économique et d'un changement dans l'organisation de la vie économique. De nouvelles règles électorales sont fixées et un accord est passé au sujet du calendrier électoral.

Dans des cas comme ceux du Nigéria ou du Ghana, une comparaison peut être esquissée avec les transitions sud-américaines. Dans ce cas de figure, des militaires usent de leur position dominante pour établir, soit de façon unilatérale, soit en concertation avec les forces civiles, les règles du jeu pour la classe politique destinée à les remplacer⁹. Les différences entre les trajectoires africaines de décomposition de l'autoritarisme et ce qui s'est passé ailleurs restent pourtant irréductibles. A titre d'exemple, le scénario hongrois - en fonction duquel la transition est conduite par des réformistes à

7 Sur ces développements, cf. l'étude de J. Lonsdale, "The European Scramble and the Conquest in African History", in *The Cambridge History of Africa*, Cambridge, Cambridge University Press, 1985, pp. 680-766.

8 Pour ce qui concerne l'Europe de l'Est, se référer à l'étude de G. Ekiert, "Democratization Process in East Central Europe: A Theoretical Reconsideration", *British Journal of Sociology*, 21, 1991, pp. 285-313.

9 On trouvera des indications sur les transitions sud-américaines dans Terry Lynn Karl, Philippe C. Schmitter "Modes of Transition in Latin America, Southern and Eastern Europe", *International Social Science Journal*, 128, 1991, pp. 269-284.

l'intérieur des appareils d'Etat jusqu'au moment où l'ampleur de la mobilisation populaire et le résultat des élections ne le permettent plus - ne semble pas avoir été la règle en Afrique¹⁰. Il est vrai, le Mali et le Zaïre ont frôlé, de peu, la voie roumaine; mais nulle part encore, l'on n'a assisté à un déchaînement comparable à celui qui marqua la fin du régime de Ceaucescu. Les itinéraires de l'implosion en Afrique sont donc, eux aussi, marqués du sceau de l'autochtonie, ainsi que l'attestent les exemples du Libéria, de la Somalie, du Soudan, du Mozambique ou de l'Ethiopie.

Mais, y compris à l'intérieur du continent, les variations régionales sont sensibles. A titre d'exemple, ce qui a prévalu jusqu'à présent dans les pays de l'Afrique *utile*, ce sont des situations où une fraction de l'élite civile au pouvoir confisque l'appareil d'Etat et s'allie à l'armée. Parfois regroupée autour d'un noyau ethnique, bénéficiant en tout cas de solides soutiens intérieurs et disposant du contrôle absolu des organes de répression (brigade présidentielle, police secrète, unités d'élite de l'armée, paracommandos et organisations paramilitaires), elle s'appuie, en outre, sur d'importants réseaux extérieurs et sur des connections tissées à la faveur des privatisations et au détour de ses propres participations aux réseaux internationaux de la *finance informelle*.

Puis, à partir de cette position avantageuse, elle tente d'imposer une formule de transition qui consiste à agréer des formations politiques, tout en s'efforçant de garder intact l'ensemble des dispositifs sur lesquels s'est appuyée la répression et la corruption au cours des trente dernières années. Derrière les paravents des institutions formelles et des adhésions verbales au projet démocratique, elle instaure, dans les faits, un *multipartisme administratif* qui s'accommode fort bien des règles, de la culture et des conduites propres à un régime de parti unique: maintien plus ou moins déguisé de la censure, intimidation, harcèlement voire emprisonnement des opposants, déstabilisation des partis d'opposition soit par désignation de leur dirigeants par le biais de manipulations administratives, soit par la brimade et la coercition, utilisation sans retenue de l'armée dans le cadre des opérations dites de maintien de l'ordre, monopole complet sur les médias publics, détournement de la machine judiciaire... C'est le cas de figure qui, à des degrés divers, prévaut en Côte-d'Ivoire, au Cameroun, au Gabon, au Zimbabwe, au Togo, au Kenya...

Les réformes en cours en Afrique suivent donc des trajectoires propres. Leur productivité est aléatoire dans le sens où rien n'indique que les résultats qui en découleront ouvriront nécessairement la voie à la

10 Lire Pietro Grilli di Cortona, "From Communism to Democracy: Rethinking Regime Change in Hungary and Czechoslovakia", *International Social Science Journal*, 128, 1991, pp. 315-330.

constitution de communautés politiques gouvernées par consentement, et dont les économies, reposant sur le principe du marché, seraient capables de tirer parti du système mondial, sur la base des avantages comparés. Compte tenu de cette part aléatoire, ce qui reste à l'analyste est de se pencher sur les effets "inattendus" que ces réformes provoquent et les paradoxes qu'elles engendrent. Or on peut difficilement s'expliquer ces paradoxes et mesurer l'impact politique de ces effets *inattendus* si, au préalable, on n'examine pas la façon dont les contraintes internes et externes déterminent les logiques de la décomposition de l'Etat et font voler en éclat les *compromis* forgés par les régimes africains au lendemain des indépendances.

Des fondements matériels et sociaux de l'autoritarisme

Mais encore faudrait-il, au départ, rendre compte des fondements matériels et des bases sociales de l'autoritarisme en Afrique. Cette tâche est difficile à cause de l'idée qu'on s'est faite de l'institution étatique en Afrique. En effet, on a beaucoup insisté sur le fait que l'institution étatique en Afrique n'a été qu'une simple structure imposée par la violence à des sociétés qui lui étaient, non seulement extérieures, mais aussi hostiles¹¹. Certes, un grand nombre de communautés aux structures de pouvoir fort éclatées en firent d'abord l'expérience dans le contexte colonial. Mais, sans compter que des traditions de l'Etat existaient en certaines parties du continent avant la conquête européenne, force est de souligner que les formules étatiques coloniales firent, tôt, l'objet d'une réappropriation par les Africains¹². Cette réappropriation ne fut pas seulement culturelle. Elle eut également lieu dans le cadre même des stratégies d'accumulation qui se déroulèrent à l'époque.

En effet, aussi bien sous la colonisation qu'au-delà, une constellation d'intérêts proprement autochtones s'était forgée progressivement. Elle joua un rôle éminent dans la transformation des systèmes ancestraux de pouvoir et dans la reconfiguration des alliances, y compris économiques, entre les natifs et les colons. Surtout après la Deuxième Guerre mondiale, ces transformations débouchèrent sur la création, par des Africains, d'un nombre relativement élevé de petites entreprises, du moins dans certaines colonies. La plupart d'entre elles se spécialisèrent, soit dans le commerce, soit dans le transport¹³. Mettant à profit la volonté des firmes étrangères de contrôler le marché indigène, de nombreux commerçants africains parvinrent à se faire

11 Cf. Goran Hyden, *No shortcuts to Progress: African Development Management in Perspective*, Berkeley, University of California Press, 1983. Ou encore Robert H. Jackson, Carl G. Rosberg, "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood", *World Politics*, 35, 1. 1982, pp. 1-24.

12 Processus bien documenté par Jean-François Bayart, *L'Etat en Afrique: la politique du ventre*, Paris, Fayard, 1989.

13 Lire, par exemple, J.M. Dongmo, *Le dynamisme bamiléké*, Yaoundé, CEPER, 1981.

confier la distribution de nombreux produits et à se tailler des positions d'intermédiaires entre les firmes coloniales et les consommateurs locaux¹⁴.

Parallèlement, d'importantes restructurations avaient lieu dans le domaine de l'agriculture de rente (culture du cacao, du café...). Une couche de planteurs relativement aisés était en train de naître dans les régions rurales. Son rôle - que ce soit comme base sociale, force d'appoint ou d'opposition - sera déterminant dans l'émergence et les formes que prendront, plus tard, les revendications nationalistes¹⁵. Parfois en compétition avec les *évolués* et les éléments issus de la bureaucratie coloniale, parfois en symbiose avec elle, cette constellation d'intérêts a largement influencé la mise en forme des Etats indépendants, notamment à partir du moment où ceux-ci entreprirent de développer des mécanismes institutionnels devant leur permettre de s'enraciner dans les communautés villageoises (création des organes de base du parti unique, coopératives, sociétés de développement et de commercialisation des cultures de rente, diverses formes de maillage territorial...). C'est par ce biais que s'effectua la cooptation des élites anciennes ou encore la mise sur orbite de nouveaux intermédiaires sociaux et économiques. C'est également par ce biais que furent instaurées des formes de domination qui, même lorsque leur ambition affichée était de les dépasser, prolongeaient, dans une large mesure, celles que l'Etat colonial avait initiées¹⁶.

Il s'avère donc que, dans leur facture actuelle - et tout en participant d'un universel du politique - les entités étatiques africaines reposent sur des bases matérielles et sociales éminemment autochtones. Ces bases matérielles et sociales varient naturellement d'une région du continent à l'autre, et parfois au sein d'un même pays¹⁷. Au demeurant, une interprétation conséquente de cet enracinement local ne peut guère être faite si les connections que ces Etats (et les forces politiques qui les contrôlent) entretiennent simultanément avec le système international ne sont pas prises en compte. Dans certains cas, ces connections internationales et les formes locales de la régulation sociale ont été rendues possible grâce à l'exploitation d'une ressource minière de prédilection (cas des diamants en Sierra-Léone, de l'uranium au Niger, du cuivre en Zambie). Dans d'autres,

14 Voir ce que rapporte Gavin Kitching, *Class and Economic Change in Kenya. The Making of an African Petite-Bourgeoisie*, New Haven, Yale University Press, 1980, pp. 159-199, et Jean-Louis Dongmo, *Le dynamisme bamiléké*, Yaoundé, CEPER, 1981.

15 Cf. les exemples rapportés par Richard A. Joseph, *Le mouvement nationaliste au Cameroun. Les origines sociales de l'UPC*, Paris, Karthala, 1986.

16 Sur quelques aspects de cette discussion, lire P. Geschiere, *Village Communities and the State. Changing Relations among the Maka of Southeastern Cameroun since the Colonial Conquest*, London, Kegan Paul International, 1982.

17 Consulter à ce sujet l'étude de J.F. Bayart, *L'Etat en Afrique: la politique du ventre*, Paris, 1989.

l'agriculture de rente a constitué le fondement matériel de la puissance publique. Tel a été le cas, non seulement dans les régions où un produit unique (cas de l'arachide au Sénégal ou du coton au Tchad) a exercé sa *dictature* sur l'ensemble des échanges sociaux et marchands¹⁸, mais aussi là où la combinaison entre l'agriculture de rente, l'agro-industrie d'exportation et une gamme de petites unités industrielles a donné lieu à un début de diversification (cas de la Côte-d'Ivoire, du Kenya, du Zimbabwe et du Cameroun)¹⁹.

Dans d'autres cas encore, l'exploitation intensive d'une ressource rare a servi - du moins à certaines périodes - de locomotive à l'amplification des inégalités et à l'expansion du pouvoir d'Etat. Ce fut, dans les années soixante-dix, le cas du pétrole au Nigéria²⁰. Certains autres Etats ont combiné l'exploitation des ressources agricoles (bois tropicaux, cacao, café, huile de palme, bananes, tabac, thé...) et du sous-sol (fer, cuivre, manganèse, cobalt, pétrole...) pour échafauder des systèmes d'inégalité et de domination plus ou moins viables (Cameroun, Gabon, Côte-d'Ivoire, Zimbabwe, Zaïre...)²¹, ou alors pour soutenir des guerres prolongées, l'entreprise militaire (*war making*) devenant le ressort même de la construction de l'Etat (*state formation*) (cas de l'Angola).

Violence, transferts et allocations

Quoiqu'il en soit, qu'ils aient bénéficié d'une ressource principale ou, simultanément, de plusieurs types de ressources; qu'ils aient été financés par leurs paysanneries ou qu'ils aient été *assistés* ou *endettés*, les modalités de la participation africaine au commerce mondial ont largement influencé les formes qu'ont épousé les Etats post-coloniaux et la façon dont les élites au pouvoir se sont insérées dans les filières internationales. Les revenus tirés de ces transactions ont en effet contribué

- à la structuration des systèmes locaux d'inégalité et de domination,
- à la constitution des coalitions et des factions au pouvoir,
- et aux types de soutien extérieur dont elles ont bénéficié,

18 Jean Copans, *Les marabouts de l'arachide*, Paris, L'Harmattan, 1989 ou encore Donald Cruise O'Brien, *Saints and Politicians. Essays in the Organization of a Senegalese Peasant Society*, Oxford, Clarendon Press, 1975.

19 Cf. Nicolas Swainson, *The Development of Corporate Capitalism in Kenya, 1918-1977*. London, Heinemann, 1980; et Jean François Médard, Yves-André Fauré, *Etat et bourgeoisie en Côte-d'Ivoire*, Paris, Karthala, 1982.

20 Richard A. Joseph, *Democracy and Prebendal Politics in Nigeria. The Rise and Fall of the Second Republic*, Cambridge, Cambridge University Press, 1988.

21 Sur le cas du Cameroun, voir Peter Geschiere, Piet Konings (eds), *Proceedings. Conference on the Political Economy of Cameroon: Historical Perspectives*, Leiden, Afrika Studie Centrum, 1989.

- aux modes d'exploitation locale de la force de travail (régimes d'imposition, niveaux des prélèvements...),
- à la structuration des rapports Etat-société et des rapports Etat-marché.

Comme autrefois avec le commerce précolonial à longue distance, c'est notamment grâce aux revenus tirés de ces échanges que les systèmes locaux d'inégalité et de domination ont pu être financés et qu'en définitive, un procès d'"indigénisation" de l'Etat a pu être mené. La prise en compte de ces facteurs matériels est nécessaire si les contrastes observés aujourd'hui dans les processus d'avortement de l'autoritarisme en Afrique doivent, non seulement être intelligibles sur le plan interne, mais aussi faire l'objet de comparaisons pertinentes.

Mais, bien que les trajectoires de l'*indigénisation* de l'Etat aient varié d'un pays à l'autre, la cristallisation même de l'Etat s'est partout, effectuée sur le mode autoritaire. Ceci ne signifie, ni que la domination Etatique était *totale* et sans concession, ni que les détenteurs du pouvoir étaient à l'abri des réseaux de pression. Comme dans les régimes communistes auxquels ils avaient emprunté un certain nombre de leurs prédicats, il existait, en effet, des canaux institutionnels par lesquels la circulation des élites avait lieu. C'est aussi à travers ces canaux que les intérêts étaient articulés, les arbitrages effectués et le contrôle social assuré²².

Dans tous ces pays cependant, l'acte qui instituait l'autorité souveraine n'a constitué, à aucun moment donné, un véritable *pacte* puisque, strictement parlant, il n'impliquait aucune réciprocité d'obligations entre l'Etat et les détenteurs du pouvoir d'une part, et d'autre part, la société et les individus. Certes, doit-on éviter de tout expliquer par la coercition. De même doit-on éviter de simplifier outre-mesure les formes divergentes qu'ont pris, et le contrôle Etatique, et la pénétration des différentes régions par l'Etat et le marché en Afrique sub-saharienne depuis 1960. Au demeurant, on a pu observer, dans certains cas, un début de passage de la contrainte directe à des formes de contrôle plus intériorisées. La pratique générale du pouvoir s'est, cependant, globalement située dans la continuité de la culture politique coloniale et dans le prolongement des aspects les plus despotiques des traditions ancestrales, elles-mêmes ré-inventées pour la circonstance²³. C'est l'une des raisons pour lesquelles le pouvoir était hostile

22 Sur les régimes communistes, voir par exemple Gregory Gleason - "Fealty and Loyalty: Informal Authority Structures in Soviet Asia, *Soviet Studies*, 43, 4, 1991, pp. 613-628. Lire aussi Michael Urban, "Centralisation and Elite Circulation in a Soviet Republic", *British Journal of Political Science*, 19, 1, 1989.

23 Cf. Les exemples rapportés par Comi Toulabor, *Le Togo sous Eyadéma*, Paris, Karthala, 1986. Ou encore, T.M. Callaghy, "Culture and Politics in Zaïre", doc. pol., October 1986

à la délibération, et ses critères de jugement et d'action se souciaient peu de la distinction entre le justifié et l'arbitraire. Parce qu'il n'avait plus sa source normative qu'en lui-même, l'autorité s'arrogeait le droit de *commander*. Il est vrai, un tel droit de *commander* cherchait à se légitimer à plusieurs sources, utilisant simultanément les imaginaires ancestraux et les imaginaires d'importation²⁴. Mais il fut rarement la contre-partie d'un devoir - constitutionnellement reconnu et défendu comme tel - de protection (que ce soit des individus, de leurs propriétés ou de leurs droits privés).

Là où les incitations matérielles et alimentaires ne suffisaient à déclencher, ni soumission inconditionnelle, ni obéissance *spontanée*, ni témoignages de *gratitude* de la part des sujets, l'on recourait massivement à la contrainte publique²⁵. Quelle que fût l'ampleur des abus commis par les détenteurs du pouvoir, rien ne venait délier les sujets de l'obligation de soumission²⁶. C'est ainsi que, presque partout en Afrique sub-saharienne, une profonde confusion s'est installée et a fait disparaître toute distinction pratique entre les tâches de conduite des affaires publiques proprement dites (*governance*) et l'usage institutionnel et sans retenue de la violence et de la coercition²⁷. Les organes de déploiement de la violence ont été systématiquement mis à contribution, que ce soit pour réprimer la dissidence, pour écraser les rebellions, pour étouffer la contestation ou, simplement, s'emparer du pouvoir²⁸.

Les conséquences d'un tel mode de gouvernement pèsent d'un poids décisif sur les formes que prennent, dans les divers pays, les tentatives de sortie de l'autoritarisme. Elles affectent considérablement la façon dont les mouvements sociaux émergent, le cadre dans lequel ils doivent se déployer, les formes de mobilisation populaire qu'ils privilégient, et leurs chances de victoire. Pour bien mesurer cet impact, il importe cependant d'examiner les liens que les pouvoirs autoritaires africains avaient tissé entre la production de la violence et les régimes d'allocation des prébendes. Car si, du point de

24 Voir, sur cet aspect, l'étude de M. Schatzberg, "Power, Language and Legitimacy in Africa", Paper presented at the Conference on "Identity, Rationality, and the Postcolonial Subject: African Perspectives on Contemporary Social Theory", Columbia University, New York, February 28, 1991.

25 Se reporter aux analyses de T.M. Callaghy, "Police in Early Modern States: The Uses of Coercion in Zaire in Comparative Perspective", Paper given at the American Political Science Association Meeting, Denver, Colorado, 1982.

26 Voir de nouveau Thomas M. Callaghy - "State-subject Communication in Zaire", *The Journal of Modern African Studies*, 18, 3, 1981, pp. 469-492.

27 voir les exemples rapportés par Michael G. Schatzberg, *The Dialectics of Oppressions in Zaire*, Bloomington, Indiana University Press, 1988, pp. 30-70.

28 Sur les coups d'Etat, voir l'analyse de Pat McGowan, Thomas A. Johnson - "African Military Coups d'Etat and Underdevelopment: A Quantitative Historical Analysis", *Journal of Modern African Studies*, 22, 4, 1984, pp. 633-666. Lire aussi le numéro spécial "Violence et pouvoir" de la revue *Politique africaine*, 42, 1991.

vue économique l'administration de la violence et l'exercice du pouvoir à l'Etat brut ont rarement servi à une organisation efficace de la production, il n'en reste pas moins que, jusqu'à la fin des années soixante-dix, on pouvait créditer un certain nombre des systèmes postcoloniaux d'inégalité et de domination d'une certaine efficacité dans l'allocation des prébendes. Pour assurer cette allocation, on avait cherché, comme dans certains pays arabes, à transformer des institutions de la *société civile* en relais du pouvoir là où cela était possible (caporalisation des syndicats, enrégimentement des églises, cooptation des associations de divers ordres, colonisation des chefferies et autres institutions dites coutumières²⁹).

L'Etat pouvait aussi contrôler les tensions ethniques et soit régionales en recourant à la création d'emplois dans la fonction publique, soit à l'économie d'endettement, soit par une intervention directe dans le système productif. Les choix de production eux-mêmes, les investissements, les allocations de titres fonciers et de crédits bancaires, l'octroi des marchés administratifs et des travaux publics, la réglementation du commerce import-export, la consommation publique, l'administration des prix et les régimes de subvention, les octrois de licences et autres autorisations, le contrôle des changes, les procédures douanières et fiscales, la gestion de l'échange villes-campagnes et industrie-agriculture, bref, les équilibres financiers et la définition même des politiques économiques n'obéissaient, nécessairement, ni à des impératifs de compétitivité, ni à un souci efficace du profit.

Sans que ces aspects aient été systématiquement écartés dans les calculs des décideurs africains, on doit préciser que la prise en charge directe, par l'Etat, d'activités de production visait aussi une *rentabilité politique* dans la mesure où elle était destinée à affecter directement les circuits de la redistribution régionale (affectation des équipements et des infrastructures, constitution des revenus, scolarisation...), la formation de la main-d'oeuvre, la constitution des clientèles et la consolidation des réseaux de patronages. C'est cet impératif de rentabilité politique qui explique la prolifération des organismes publics et parapublics, les politiques de recrutement, d'attribution des avantages, des traitements et des primes³⁰.

L'ensemble de ces dispositifs politico-économiques permettait aussi de soutenir un système complexe de transferts des revenus des circuits formels et officiels aux circuits parallèles, des ménages urbains aux ménages ruraux,

29 Sur le monde arabe, voir l'étude de G. Salamé, "Sur la causalité d'un manque: Pourquoi le monde arabe n'est-il donc pas démocratique?", *Revue française de science politique*, 41, 3, 1991.

30 Bernard Contamin, Yves-André Fauré, *La bataille des entreprises publiques en Côte-d'Ivoire. L'histoire d'un ajustement interne*, Paris, Karthala, 1990, pp. 179-239.

des plus riches aux plus démunis³¹. Ces transferts de revenus (aides familiales, dépenses sociales et prestations diverses telles que les frais des funérailles, les frais de scolarité, de santé, les participations aux cérémonies dites coutumières, diverses formes de cotisations, achat de titres et de médailles, libéralités...) étaient, eux-mêmes, amplifiés par une éthique "communautaire" qui accorde une place centrale à la redistribution, et impose aux détenteurs de fortunes des devoirs et des obligations conformes au statut auquel ils aspirent, même si les coûts ainsi induits dépassent souvent, de loin, leurs revenus réels³². De façon plus décisive encore, des modalités de fonctionnement de ces dispositifs politico-économiques dépendaient les contours que prenaient, et la stratification sociale, et les rapports internes de pouvoir entre groupes et ethnies. En un mot, en se substituant partiellement ou entièrement au marché, l'Etat devenait une prodigieuse machine créatrice et régulatrice des inégalités.

L'on était donc en présence de modes d'arrangement du social qui, tout en participant de technologies universelles de la domination (un Etat et ses appareils), avaient leur cohérence interne et leur rationalité propre tant du point de vue politique qu'économique. On ne peut rendre compte, ni de cette cohérence économique propre, ni des formules de gouvernement qu'elle venait renforcer, ni des trajectoires de l'avortement de l'autoritarisme en Afrique si on se limite à une analyse en termes exclusifs d'orthodoxie monétaire. Il faudrait examiner les ratés enregistrés au sein du triptyque violence-transferts et allocations: triptyque qui constituait le fondement même des autoritarismes africains postcoloniaux.

Les trajectoires de la décomposition

Car, l'importance des transferts inter-communautaires et la porosité des frontières entre les circuits formels et les circuits parallèles évoquées ci-dessus témoignent du fait que, sous certaines conditions, les modes de régulation politique mis en place au lendemain des indépendances pouvaient disposer d'incontestables capacités redistributrices. Il faut cependant observer que cette logique redistributrice avait pris des formes différentes selon les pays, leurs structures productives, et les conjonctures affectant les marchés locaux et mondiaux³³.

31 A titre d'illustration, cf. Margo Russel - "Beyond Remittances: The Redistribution of Cash in Swazi Society", *The Journal of Modern African Studies*, 22, 4, 1984, pp. 595-615.

32 Lire François Régis Mahieu - "Transferts et communauté africaine", *Stateco* (INSEE), No. 58-59, 1988. Ou encore, "Principes économiques et société africaine", *Tiers Monde*, t. XXX, No. 120, 1989.

33 Voir les annotations faites dans ce sens dans E. Terray (ed.), *L'Etat contemporain en Afrique*, Paris, L'Harmattan, 1987, Bates, *Markets and States in Tropical Africa: The Political Basis of Agricultural Policies*, Berkeley, University of California Press, 1981.

Dans certains contextes, elle avait permis de stabiliser les institutions, d'octroyer une certaine légitimité aux régimes en place et de diminuer les risques d'implosion³⁴. Ceci ne signifie nullement que les conflits autour de la répartition des revenus tirés des prélèvements sur les exportations avaient cessé. Bien au contraire, ils s'avivaient, surtout lors des périodes où les disponibilités financières consécutives à l'accroissement des recettes d'exportation ou à l'abondance des crédits extérieurs devenaient considérables. Mais dans ces cas, les détenteurs du pouvoir disposaient de ressources suffisantes pour les amortir, rendant dès lors superflue la nécessité d'un recours systématique à une violence lapidaire et disproportionnée.

La *stabilité* ainsi acquise, puis apparemment renforcée par le biais des institutions d'embrigadement et de caporalisation de la société (parti unique, syndicats uniques, associations des jeunes et des femmes du parti, brigades d'acclamation chargées d'orchestrer le culte de la personnalité...) était cependant illusoire et chèrement payée puisqu'en termes économiques, il suffisait que les marchés mondiaux se rebiffent pour qu'une crise fiscale affectât l'Etat, et pour que le régime se trouvât dans l'incapacité de multiplier les libéralités.

C'est ce qui s'est passé en Côte-d'Ivoire, et, dans une moindre mesure, au Cameroun et au Kenya. En effet, grâce aux diverses rentes, les régimes au pouvoir dans ces pays avaient réussi, dans les années soixante-dix, à élargir leurs bases de soutien, notamment parmi les "couches moyennes"³⁵. Au début des années 80, la contraction économique aidant, le tarissement de la rente s'est accéléré en même temps que l'érosion des réserves financières extérieures s'accroissait. On a alors assisté à un découplage progressif d'une partie des couches qui, ayant tiré profit des arrangements antérieurs, avaient réussi à constituer des fortunes privées ou, en tout cas, des bases relativement autonomes d'influence et d'accumulation (hauts fonctionnaires, bureaucrates, avocats, journalistes...). Aujourd'hui, ce sont elles qui alimentent la dissidence. L'agencement des intérêts au sein des factions au pouvoir ayant empêché que des réponses créatives soient apportées à ces blocages, ces régimes sont, en ce moment, enlisés dans de graves crises qui

34 En guise d'exemple, consulter J.R. Pletcher, "The Political Uses of Agricultural Markets in Zambia", *Journal of Modern African Studies*, 24, 4, 1986, pp. 603-618; N. Casswell, "Autopsie de l'ONCAD: La politique arachidière au Sénégal, 1966-1980", *Politique africaine*, 14, 1984.

35 On trouvera des données sur ces développements dans Yves-André Fauré, Jean-François Médard (sous la dir. de), *Etat et bourgeoisie en Côte-d'Ivoire*, Paris, Karthala, 1982; et Peter Geschiere, Piet Konings (eds), *Proceedings. Conference on the Political Economy of Cameroon: Historical Perspectives*, Leiden, Afrika Studie Centrum, 1989.

n'affectent pas seulement l'institution étatique en tant que telle, mais qui menacent de pourrir l'ensemble de la fabrique sociale.

Dans d'autres contextes, la redistribution avait pris une tournure prédatrice dont les effets majeurs furent le délabrement des finances publiques, une tumultueuse dépréciation de la monnaie, une fluctuation sans précédent des prix, la dégradation des institutions et le déclin de l'autorité politique. Au sommet de l'Etat au Zaïre, en Somalie ou au Libéria par exemple, l'allocation des libéralités et des prébendes avait pris la forme d'une extension - pratiquement incontrôlée - de la chaîne des privilèges matériels que s'octroyait la clique au pouvoir. La contrebande et la spéculation sur l'argent garantissaient, dans bien des cas, d'énormes profits³⁶. Presqu'à tous les échelons intermédiaires de l'administration, les bureaucrates procédaient à d'innombrables ponctions sur les flux financiers officiels, amplifiant de ce fait le désarroi fiscal et les problèmes budgétaires. A la base, une mercantilisation sans précédent des services publics (délivrance de documents, tampons, signatures, autorisations, certificats, licences...) avait fini par ouvrir la voie à une *privatisation* intensive des positions bureaucratiques et à la soumission de la plupart des activités au principe de la vénalité³⁷.

Par ailleurs, dès le début des années 70, la plupart de ces pays étaient entrés dans une phase où, du point de vue juridico-fiscal, l'essentiel des richesses nationales faisait pratiquement partie du *domaine éminent* d'un autocrate agissant comme un mercenaire vis-à-vis des fonds nets étatiques et du trésor national³⁸. Les capacités d'arbitrage de l'Etat s'étaient petit à petit amenuisées. Un réseau dense d'influences avait été tissé entre, d'une part, les marchands, négociants, usuriers et traitants indigènes engagés dans la contrebande et dans les opérations spéculatives; et d'autre part, les détenteurs du pouvoir administratif et politique. Au demeurant, dans la plupart des cas, les lignes de distinction entre ces catégories avaient pratiquement disparu. Parallèlement, les organes chargés de l'administration de la violence (police, armée, brigades présidentielles, milices privées...)

36 Cf. Janet MacGaffey - *Entrepreneurs and Parasites, The Struggle for Indigenous Capitalism in Zaïre*, Cambridge, Cambridge University Press, 1988. Sur le Libéria, voir les deux études de F. van der Kraaij, "Firestone in Liberia" et J. Carlsson, "The Iron-Ore Mining Industry in Liberia: Surplus Generation and Linkages", in E. Hinzen, R. Kappel (eds.), *Dependence, Underdevelopment and Persistent Conflict: On the Political Economy of Liberia*, Bremer Africa Archives, Vol. 11, Bremer, 1980, pp. 199-266 et 267-294 respectivement.

37 Catherine Newbury - "Dead and Buried, or Just Underground? The Privatization of the state in Zaïre", *Canadian Journal of African Studies*, 18, 1, 1984.

38 Jean Claude Willame - *Zaïre, l'épopée d'Inga. Chronique d'une prédation industrielle*, Paris, L'Harmattan, 1986; Crawford Young, Thomas Turner, *The Rise and Decline of the Zairian State*, Madison, University of Wisconsin Press, 1985.

avaient progressivement gagné en autonomie, lorsque les clivages séparant la hiérarchie supérieure de la soldatesque ne s'étaient pas élargis.

Cette coupure au sein des forces armées et cette dispersion de la violence avaient favorisé, parmi les soldats subalternes et les milices privées, l'émergence de conduites de survie utilisant des méthodes para-criminelles: rackets, meurtres, confiscations violentes des propriétés et, souvent, massacres en bonne et due forme. Cette dérive avait aussi affecté les modalités d'intervention des agents de l'Etat et de leurs courtiers dans des opérations d'enrichissement, que ce soit dans le secteur formel ou dans le secteur parallèle³⁹. Lorsqu'ils ne sont pas déchirés par de sanglantes guerres civiles (cas du Libéria et de la Somalie), ces pays se retrouvent aujourd'hui dans une situation où le recours à la force brute est devenu la règle, que ce soit dans les transactions entre ce qui reste d'Etat et les individus, ou dans les rapports sociaux ordinaires.

Là où la guerre est encore évitée (cas du Zaïre), c'est le chaos qui s'installe, l'implosion prenant la forme d'une délinquance sociale généralisée. Cette délinquance se nourrit elle-même d'une culture de la *razzia* et du *butin*, alors qu'une partie de la protestation prend la forme de mouvements de foule animés par des hordes de pillards dans lesquels on retrouve parfois côte à côte des soldats subalternes et des civils. Violence institutionnelle et logique émeutière ont, pour conséquence immédiate, d'empêcher toute consolidation effective de la société dite civile tout en bloquant l'Etat dans l'impouvoir.

Par contre, dans les configurations où la rage prédatrice a été plus ou moins contenue, c'est cette élasticité dans la redistribution qui fondait une part de la *légitimité* des formules postcoloniales de gouvernement, et qui rendait *moralement* tolérables les rapports d'inégalité. Ceci ne signifie pas que les inégalités et les abus étaient acceptés *passivement*; ou que, face à l'arbitraire étatique, la seule conduite possible fût la résignation⁴⁰. Compte tenu des formes que prenaient les rapports économiques et la circulation des biens et des prébendes; compte tenu aussi de la façon dont les rapports économiques s'articulaient au système de la stratification sociale, les luttes politiques prenaient des configurations très originales (fuite, évasion, dissimulation, esquives, dérision, pratiques multiformes d'indiscipline et d'indocilité) et s'exprimaient dans des métaphores dynamiques (parenté, généalogie, mémoire et oubli, sorcellerie, guérison, dissidences d'inspiration religieuses...). On aurait tort de confondre ces *mouvements sociaux* aux

39 Lire "Les massacres de Katekelayi et de Luamuella", *Politique africaine*, 6, 1982, pp. 72-106.

40 Lire l'ouvrage collectif publié par Jean-François Bayart, Achille Mbembe, Corni Toulabor - *Le Politique par le bas en Afrique noire*, Paris, Karthala, 1992.

autres formes de lutte caractéristiques des situations où les logiques du marché ont substantiellement imprégné les rapports d'échange⁴¹. Quoi qu'il en soit, on peut dire que dans les pays d'Afrique qui, jusqu'à une date récente, étaient réputés les plus "stables" et les plus "prospères" (Cameroun, Côte-d'Ivoire, Gabon, Zimbabwe, Kenya, Congo...), une sorte de *compromis* garantissant le *welfare* des *couches moyennes* et des élites administratives avait permis d'assurer la viabilité de l'Etat postcolonial et de le doter de racines authentiquement indigènes.

La fin du compromis postcolonial

Grâce à ce compromis, d'importants prélèvements pouvaient être effectués sur les surplus agricoles et sur les rentes pétrolières et minières. Couplés à l'exercice de la coercition et à une administration parfois lapidaire de la violence, ces prélèvements permettaient d'acheter les loyautés et d'arracher les allégeances, à des coûts économiques globalement élevés. La fluidité entre les sphères proprement économiques et marchandes et les sphères politiques et administratives, l'indistinction entre la fortune publique et la propriété privée, et l'osmose entre les agents économiques privés (nationaux et étrangers) et les détenteurs locaux de positions de pouvoir et d'autorité rendaient possible la généralisation d'une *économie d'allocation* dont les autochtones n'étaient pas les seuls bénéficiaires.

En effet, les exonérations fiscales, l'obtention d'intrants subventionnés, l'usage extensif du découvert bancaire, l'aval de l'Etat pour des emprunts à l'étranger, l'annulation des dettes, l'accès préférentiel au marché d'Etat, le trafic de l'ivoire, des pierres précieuses et des déchets toxiques... constituaient également une source de profits pour les courtiers et les négociants étrangers qui, à plusieurs titres, émargeaient aux diverses rentes. De manière générale, une telle économie politique était peu soucieuse des impératifs de productivité. Sur le plan interne, elle n'entraînait pas seulement de sérieuses distorsions dans les rapports entre l'Etat et la société, distorsions découlant, en partie, d'une clientélisation accélérée des élites et des corps intermédiaires⁴². Il s'ensuivait également que, ni le niveau d'exploitation locale de la force de travail, ni l'intensité de l'autoritarisme ne suffisaient à accroître, de façon décisive, la productivité des économies africaines et leur compétitivité sur les marchés mondiaux⁴³.

41 Voir les exemples rapportés par D. Desjeux, *Stratégies paysannes en Afrique noire. Essai sur la gestion de l'incertitude*, Paris, L'Harmattan, 1987.

42 Voir J. Guyer, "Representation without Taxation: An Essay on Democracy in Rural Nigeria, 1952-1990", *Working Papers in African Studies*, No. 152, Boston, Boston University, 1991.

43 Swedberg, "The Export Performance of Sub-saharan Africa", *Economic Development and Cultural Change*, 39, 3, 1991, pp. 540-566.

Les nouvelles données de la concurrence internationale (délocalisation, recherche d'avantages liés aux faibles coûts de la main-d'oeuvre, essor des industries dans les zones franches, stratégies de mondialisation des entreprises, globalisation des marchés, volatilité des flux de capitaux...) et la dérégulation des échanges intervenue dans les années 80 ont donc contraint ces économies à se repositionner au sein de l'espace mondial⁴⁴. Compte tenu de leur nature, des formes de leur intégration à l'extérieur et des formes spécifiques d'intervention des firmes étrangères et du capital local, il était exclu que ce repositionnement s'opérât selon les mêmes modalités que celles qu'ont suivi certains pays de l'Asie du Sud-est; à savoir, par le biais de la restructuration et de la reconversion de l'industrie dans les secteurs de haute technologie, la diversification des activités de service, la maîtrise accrue de nouvelles compétences, la conquête de nouveaux marchés, la captation de nouveaux flux financiers et l'internationalisation de la production⁴⁵.

Dans les pays de l'Afrique utile, la configuration générale du marché, la base industrielle, la structure des rapports entre la bureaucratie et les milieux d'affaires locaux, puis la nature de leurs alliances respectives avec les firmes multinationales ne permettaient, ni d'accéder à de nouvelles technologies et de nouveaux réseaux de distribution, ni d'accumuler un savoir-faire manufacturier substantiel, ni de susciter un dynamisme entrepreneurial de nature à aider ces contrées à répondre, de façon créative, aux contraintes de l'économie mondiale, ainsi que cela s'est fait ailleurs⁴⁶. Excentrées par rapport aux pays de la *triade* (Amérique du Nord, Europe de l'Ouest, Asie-Pacifique), mais davantage encore parce que les structures locales d'incitation étaient peu performantes et parce qu'il n'était guère possible d'y retrouver les combinaisons productives recherchées par le capital international, ces économies ne pouvaient pas non plus se repositionner en tirant avantage de la délocalisation pour soit fournir des débouchés pour les industries de biens intermédiaires, soit permettre des investissements orientés vers des produits à haute technologie destinés à l'exportation, ou encore se spécialiser dans les activités financières internationales.

Du coup, elles n'ont pu s'insérer, de manière active et profitable, dans la nouvelle division internationale du travail. L'on comprend que, dans ces

44 Sur ces développements, lire P. Hirst, J. Zeitlin, "Flexible Specialization versus Post-Fordism: Theory, Evidence and Policy Implications", *Economy and Society*, 20, 1, 1991, pp. 1-56. Consulter aussi G.R.D. Underhill, "Markets beyond Politics? The State and the Internationalisation of Financial Markets", *European Journal of Political Research*, 19, 1991, pp. 197-225.

45 Cf. Amsden, "Third World Industrialization: 'Global Fordism' or a New Model?", *New Left Review*, 182, 1990, pp. 5-31.

46 Lire par exemple J. Chalmers, "Political Institutions and Economic Performances: The Government-business Relationship in Japan, South Korea and Taiwan", in F. Deyo, *The Political Economy of the New Asian Industrialism*, Ithaca, Cornell University Press, 1987.

conditions, la nouvelle vague d'internationalisation du capital soit en passe de les ignorer, et ce d'autant plus que la fin de la *guerre froide*, l'ouverture des marchés à l'Est et dans l'ex-Union soviétique, et la persistance de la tyrannie et du désordre en Afrique accentuent la dévalorisation géo-économique et idéologique du continent⁴⁷. A cette incapacité à tourner les facteurs internationaux à son avantage, il faut ajouter les contraintes résultant de la mise en oeuvre des plans d'ajustement structurels proprement dits.

Certes, doit-on tenir compte de la diversité des cas de figure. Certes aussi, faut-il prendre en considération l'application différenciée de ces programmes selon les pays, les discontinuités (*stop and go processes*) dans leur mise en oeuvre, la façon dont les mesures préconisées par les créanciers internationaux sont *détournées, réarrangées, ou dévoyées* par les bureaucraties locales, les structures productives des pays qui les appliquent, les coalitions qui les soutiennent ou qui s'y opposent⁴⁸. Il n'en reste pas moins vrai que, quelles que soient les variations, leurs résultats restent, d'un point de vue strictement économique, loin d'être probants. Y compris dans les contextes où ces plans ont fait l'objet d'une mise en oeuvre plus ou moins soutenue et conséquente, l'essor des exportations s'est avéré insuffisant pour assurer le paiement de la dette, et ce malgré l'amplitude des dévaluations⁴⁹.

Dans l'ensemble, la libération des prix n'a pas provoqué les effets de relance recherchés. La réduction des déficits s'est faite au prix d'une nette diminution des investissements publics et, dans certains cas, des dépenses ordinaires de fonctionnement. Souvent, les charges de la dette interne ont persisté, tandis que la baisse des dépenses de l'Etat en salaires et

47 Il n'est cependant pas certain que les notions - abondamment utilisées - de *marginalisation* ou de *décrochage* rendent efficacement compte des processus en cours. Certes, les flux commerciaux et financiers formels, les *aides* publiques et le niveau d'allocation des crédits tendent à accréditer la thèse de la *déconnexion* et du *désengagement*. L'Afrique continue néanmoins d'être insérée dans les rapports économiques internationaux, selon des modalités inédites, extrêmement complexes et pauvrement rendues par les statistiques officielles. En ce qui concerne les thèses du *décrochage* et de la *déconnexion par défaut*, lire L.J. Grégoire, "L'insertion économique internationale de l'Afrique", *Revue Etudes Internationales*, Vol. XXII, 2, 1991, pp. 279-285; D. Bach, "Europe-Afrique: des acteurs en quête de scénarios", *Revue Etudes Internationales*, vol XXII, 2, 1991, pp. 323-338. Pour le reste, voir A.J. Yeats, "On the Accuracy of Economic Observations: Do Sub-Saharan Trade Statistic Mean Anything?", *The World Bank Economic Review*, 4, 2, 1991, pp. 135-156.

48 A propos de certaines de ces questions, se référer à J.W. Thomas, M.S. Grindle, "After the Decision: Implementing Policy Reforms in Developing Countries", *World Development*, 18, 8, 1990, pp. 1163-1181; et J. Nelson (ed.), *Economic Crisis and Policy Choice: The Politics of Adjustment in the Third World*, Princeton, Princeton University Press, 1990.

49 Cf. le cas ghanéen étudié dans D. Rotschild (ed.), *Ghana: The Political Economy of Recovery*, Boulder, Lynne Rienner Publications, 1991.

l'accélération de la hausse des prix provoquaient un effet dépressif sur les dépenses de consommation et sur les investissements privés. Dans la plupart des pays africains soumis à ces programmes, le produit intérieur brut a chuté. Et, bien que la pression se soit accrue, la crise fiscale s'est accentuée alors même que le niveau des transferts nets de capital à l'étranger au titre du service de la dette (et des fuites diverses) demeurait constant ou, pis, augmentait. L'*informalisation* de l'économie s'est poursuivie à un rythme jamais vu auparavant, la part *souerraine* des transactions et des *arrangements* (certaines opérations de 'privatisation' y compris) ayant étendu ses ramifications jusque dans les échanges internationaux.

Par leur traitement désinvolte des déterminants internationaux de la stagnation africaine, les programmes d'ajustement structurel risquent de boucher à l'extérieur et de faire imploser de l'intérieur le potentiel d'accumulation sur le long terme. Ils sont aussi en train de saper les formules grâce auxquelles, dans la pratique, l'Etat postcolonial était parvenu, du moins dans certains pays, à passer des *compromis* plus ou moins dynamiques avec les systèmes autochtones de contrainte. Lorsqu'on y ajoute les mouvements de longue durée qui travaillent en sous-main les sociétés africaines (transitions démographiques en cours dans les régions rurales et intensification des migrations, dégradation de l'environnement et crise du nomadisme, baisse drastique des revenus tirés des cultures de plantation, entropie des régimes locaux de production et redéfinition des pouvoirs villageois, émergence de la *force urbaine avec sa culture de l'émeute* et du *racket*, accentuation des phénomènes de saturation foncière et intense *course à la terre* dans certaines régions du continent, raréfaction des emplois dans le secteur dit moderne, appauvrissement des couches salariées et basculement de pans entiers de la société dans l'économie *souerraine*, nouvelles formes de capture et d'exploitation de la main-d'oeuvre, formation de mouvements de réfugiés et utilisation des captifs de guerre comme *mercenaires*, criminalisation croissante des classes dirigeantes et militarisation du commerce..., on se rend compte que ces programmes affectent directement les régimes africains postcoloniaux sur les deux plans que sont, d'une part les bases matérielles et sociales sur lesquelles ils reposaient jusqu'à présent; et d'autre part la façon dont ils se faisaient légitimer⁵⁰.

50 Sur ces mouvements de longue durée, lire, par exemple, C. Faussey-Domalin, P. Vimard, "Agriculture de rente et démographie dans le Sud-Est ivoirien. Une économie villageoise assistée en milieu forestier péri-urbain", *Revue Tiers Monde*, t. XXXII, No. 125, 1991, pp. 93-114; les études rassemblées dans "Etat et sociétés nomades", *Politique africaine*, 34, 1989; S. Reyna (ed), *Land and Society in Contemporary Africa*, Hanover, University Press of New England, 1988; A. Zolberg, A. Suhrke, S. Aguayo, "International Factors in the Formation of Refugee Movements", *International Migration Review*, 20, 1., 1986, pp.

En effet, la brutale déflation du secteur public et parapublic a provoqué la dissolution d'un grand nombre de sociétés d'Etat. Assortie de sérieuses compressions de personnel, de substantielles réductions de salaires ou, carrément, de licenciements massifs, la *privatisation* des entreprises publiques et le dégraissage de la fonction publique ont contribué au blocage du système des transferts intra-communautaires, réactivant, au passage, les conflits autour de la répartition des richesses et remettant en cause la *moralité* même du système d'inégalité et de domination forgé après les indépendances, ainsi que l'attestent la recrudescence des accusations en sorcellerie⁵¹, l'efficacité sans cesse croissante des discours religieux pentecôtistes sur la côte atlantique⁵², les recompositions de l'Islam militant sur les pourtours du Sahel et de l'Océan Indien⁵³, la prolifération des itinéraires thérapeutiques et des procédures de guérison, l'émergence de nouveaux langages de la contestation et la montée en puissance du brigandage rural et de la criminalité urbaine.

Parallèlement, l'effondrement des recettes d'exportation et la restructuration des offices de commercialisation des produits de rente a étendu l'insolvabilité aux planteurs, aux industriels et banquiers, grippant, au passage, l'ensemble des activités qui vivaient sur les marchés publics et irriguaient, par ricochet, les maquis des circuits parallèles⁵⁴. C'est donc une partie de la colonne vertébrale de ces formules de domination (les transferts et les allocations) qui est affectée, puisque le régime des prébendes et des libéralités sur lequel reposait, en partie, leur légitimité est gangrené et, dans la majorité des cas, ne dispose plus des moyens de sa reproduction. Mais, contrairement aux attentes des créanciers internationaux, le tarissement de la rente, sous les coups de boutoir de l'ajustement structurel risque de conduire, non seulement à un dépérissement prolongé de l'Etat, mais aussi à une extraordinaire fragmentation du marché, les deux processus étant, plus que de raison, propices à un déchaînement incontrôlé de la violence. Du coup les programmes d'ajustement structurel présentent un intérêt, non du

151-169; M.F. Jarret, F.R. Mahieu, "Ajustement structurel, croissance et répartition; l'exemple de la Côte-d'Ivoire", *Revue Tiers Monde*, t. XXXII, No. 125, 1991, pp. 39-62.

- 51 P. Geschiere, "Judges and Witches, or How is the State to Deal with Witchcraft: Examples from Southeastern Cameroon", Unpublished Manuscript, Leiden, Afrika Studie Centrum, 1990.
- 52 R. Marshall, "Power in the Name of Jesus", *Review of African Political Economy*, No. 52, 1991, pp. 21-27.
- 53 Voir l'exemple analysé par F.M. Lubeck, "Islamic Protest Under Semi-Industrial Capitalism: "Yan Tatsine Explained", *Africa*, 55, 4, 1985.
- 54 Voir les deux études de H.L. van der Laan, W.T.M. van Haaren, "African Marketing Boards Under Structural Adjustment: The Experience of Sub-Saharan Africa during the 1980's", Leiden, Afrika Studie Centrum, *Working Paper* No. 13, 1990; P. Hugon, "L'impact des politiques d'ajustement structurel sur les circuits financiers informels africains", *Revue Tiers Monde*, t. XXXI, No. 122, 1990, pp. 325-349.

point de vue de leur aptitude à reconnecter l'Afrique à l'économie mondiale, mais du point de vue des effets pervers qu'ils produisent, et de la façon dont ces effets pervers:

- érodent le *compromis postcolonial* évoqué plus-haut;
- émasculent les instruments traditionnels du pouvoir;
- et entraînent une profonde modification des structures sociales et des attitudes culturelles.

Le spectre du XIX^{ème} siècle

Au sortir du XX^{ème} siècle, l'Afrique ne se retrouve plus qu'avec deux options. La première est de se projeter dans le siècle prochain, en relevant victorieusement le *défi de la productivité*, c'est-à-dire en retournant à son avantage les conditions de son rapport au marché extérieur⁵⁵. Le conflit avec le marché mondial ne sera pas tranché au bénéfice du continent s'il continue d'être négocié dans le cadre des programmes d'ajustement structurel. Pour l'essentiel, ces programmes ne proposent rien d'autre qu'un retour aux années 60, lorsque la structure des économies africaines en faisait surtout des exportateurs nets de produits tropicaux.

Mais avec ou sans les créanciers internationaux, l'Afrique doit affronter le défi de la compétitivité de ses économies à l'échelle mondiale. Or, ce défi ne peut pas être relevé victorieusement dans la configuration actuelle de l'économie-monde sans un accroissement des régimes de productivité, c'est-à-dire, en définitive, sans que soient mises en place des façons intensives de construire l'inégalité et d'organiser l'exclusion sociale⁵⁶. Mais, on l'a bien vu au cours de la période coloniale, les rapports entre la violence, la production de l'inégalité et l'accumulation sont d'une extraordinaire complexité. Et il n'existe pas forcément des liens de causalité entre ces trois variables.

Quant au *passage à la démocratie*, il dépendra de la façon dont sera historiquement tranché (et en faveur de quelles forces sociales) le débat sur le point de savoir si l'exclusion sociale est légitime; sinon, comment éventuellement la légitimer et la codifier institutionnellement? On mesure la complexité d'un tel projet, notamment dans des contextes où:

55 Sur la complexité d'un tel "saut", voir l'expérience étudiée par A. Amsden, *Asia's Next Giant: South Korea and Late Industrialization*, New York, Oxford University Press, 1989.

56 Encore que l'hypothèse des avantages comparés qu'il présuppose soit fort problématique. Cf. P. Streeten, "Comparative Advantage and Free Trade", in A.R. Khan, R. Sobhan (eds.), *Trade Planning, and rural Development*, Basingstoke, Macmillan, 1990. Ou encore P. Evans, *Comparative Advantage and Growth: Trade and Development in Theory and Practice*, Hemmel Hempstead, Harvester-Wheatsheaf, 1989, sec. 9.6.

- la redistribution a, longtemps, constitué la médiation sociale et politique par excellence;
- et où, plus que jamais, les problèmes de la pénurie (*scarcity*) relancent, sur une échelle plus vaste que par le passé, les luttes sociales.

Quoiqu'il en soit, à défaut de cette sortie par le XXIème siècle, l'autre option est le retour au XIXème siècle. Certes, entre la *mêlée* pour les colonies de la deuxième moitié du XIXème siècle et le *déclassement* actuel, les contrastes sont énormes. Pourtant, l'échec des Etats postcoloniaux à transformer le pouvoir et la force brute en autorité rappelle, à bien des égards, celui qui annonça la destruction des polites du siècle dernier avant la conquête européenne. L'ajustement structurel qu'avait représenté le passage de l'économie négrière (vente des esclaves et de l'ivoire) à la traite des produits de rente (arachides, huile de palme, gomme...) avait conduit à une transformation des bases matérielles des Etats. Sous le poids de la dette externe et de la tyrannie interne, un grand nombre d'entités indépendantes s'étaient désintégréées. Ces dislocations avaient entraîné d'importantes recompositions culturelles, que marquèrent bien les conversions massives aux religions monothéistes, les crises aiguës de sorcellerie, l'apparition de nombreux mouvements de guérison, la transformation des communautés de réfugiés en hordes de mercenaires et un certain nombre de soulèvements menés au nom de l'Islam⁵⁷.

L'affaîssement de la demande esclavagiste n'avait pas provoqué une diminution des tensions. Bien au contraire, les peuples et les groupes ethniques qui étaient parvenus à maintenir leurs privilèges de courtage et à assurer leur domination sur les grands carrefours commerciaux accentuèrent leur expansion démographique et s'approvisionnèrent en fusils. Sous la houlette de chefs de bande esclavagistes, de cliques armées et de marchands aventuriers (Rabeh et les sultans négriers de l'Oubangui, l'Afro-arabe Tippu Tipp, Msiri du Katanga, Mirambo et son empire commercial au nord de Tabora...), des mouvements de prédateurs s'étaient constitués⁵⁸. Ils réactivèrent le commerce caravanier et, par la razzia, le système autoritaire du tribut, le recrutement de milliers de porteurs et la reconduction locale de l'esclavage, ils aggravèrent l'ébranlement des structures

57 Cf. J. Lonsdale, "States and Social Processes in Africa: A Historiographical Survey", *African Studies Review*, Vol. XXIV, 2-3, 1981, pp. 139-226.

58 Voir par exemple, M.F. Page, "The Manyema Hordes of Tippu Tipp" *International Journal of African Historical Studies*, 1, 1974, pp. 69-84.

coutumières, brouillèrent les chartes ancestrales, et provoquèrent d'importants déplacements de populations⁵⁹.

Ces nouveaux opérateurs (trafiquants, courtiers, chefs de bandes, milieux maraboutiques, négociants divers), entreprirent d'encadrer la reconversion économique à leur profit. Utilisant la guerre comme ressource, ils établirent des systèmes de fiscalité plus ou moins informels et prirent le contrôle des grands carrefours et des réseaux commerciaux régionaux. Munis de droits quasi-extra territoriaux, et procédant par la razzia et la prise des butins et la pratique du tribut, ils achevèrent de criminaliser, et l'activité économique, et l'acte même de gouverner. Après la saignée esclavagiste, l'Afrique rebondissait donc dans le système économique international par le biais d'une extorsion de ses ressources à l'état brut. Ce régime de violence et de brutalité fut prolongé vers la fin du siècle par le biais des régimes concessionnaires. Vastes entreprises dotées de privilèges commerciaux et miniers et de droits souverains qui les autorisaient à lever les impôts et à entretenir la force armée, elles accentuèrent le processus de prédation, d'atomisation des lignages et des clans et institutionnalisèrent le régime du meurtre⁶⁰. Sous la protection de l'appareil bureaucratique colonial, le marché s'était mis à fonctionner sur un mode gangstériste.

Les signes d'une telle dégradation ne manquent pas dans l'Afrique d'aujourd'hui. Ils sont au demeurant, plus nombreux que les autres⁶¹. Les efforts désespérés des tyrannies locales pour encadrer, à leur avantage, les recompositions induites par le procès d'ajustement tout en faisant semblant de libéraliser les systèmes politiques ont conduit, presque partout, à des situations riches de violence potentielle ou avérée. Plus grave encore: parce qu'elle se déroule dans un contexte d'extraordinaire précarité et parce que, très souvent, elle attente aux moyens même de subsistance des couches urbaines les plus démunies, le recours intempestif à la répression et la mercenarisation des interventions des régimes au pouvoir contre leurs opposants ont provoqué de nouvelles formes de résistance, elles aussi à la limite de la légalité. En outre, elles ont fait basculer dans le souterrain, des pans entiers de l'économie formelle.

Quoiqu'il en soit, la première option (celle d'un saut dans le XXIème siècle) ne sera pas à la portée de tous les pays. Seuls les Etats de l'Afrique

59 Lire, par exemple, S.P. Reyna, *Wars Without End. The Political Economy of a Precolonial African State*, Hanover, University Press of New England, 1990.

60 Voir l'étude classique de Cathérine Coquery-Vidrovitch, *Le Congo au temps des grandes compagnies concessionnaires, 1898-1930*, Paris, Mouton, 1977.

61 Cf. les exemples de la Corne de l'Afrique, du Libéria, du Zaïre, du Mozambique... Lire respectivement, Roland Marchal, "Conflits et recomposition d'un ordre régional dans la Corne de l'Afrique", *Etudes Internationales*, vol. XXII, 2, 1991, pp. 307-321; et le numéro spécial de la *Review of African Political Economy*, 45, 1989, consacrée au *warlordism*.

utile pourront y prétendre. Mais aucun de ces Etats n'est, pour l'heure, à l'abri du tumulte. Leur éventuel passage à *l'intensif* suppose que soient identifiées les forces productives susceptibles d'appuyer une telle évolution; que les secteurs de production eux-mêmes soient localisés, et que de nouvelles coalitions sociales soient forgées, et d'autres rapports avec le marché mondial inventés. Faute de quoi ils se transformeront en comptoirs et enclaves qui, tout comme ceux du XIXème siècle, verront leurs ressources les plus rentables exploitées sous la supervision de *warlords* locaux, au moment même où l'hinterland sera en proie à la guerre, au désordre et au meurtre.

Si l'hypothèse de la *modernisation différentielle* (dans le sens où elle n'est pas à la portée de tous les pays) affecte surtout l'Afrique *utile*, le scénario de *l'équilibre anarchique* (retour au XIXème siècle) menace, quant à lui, l'ensemble du continent. Et, dans leur facture actuelle, les programmes d'ajustement structurel font plus qu'accentuer cette menace.

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The African Informal Sector at the Crossroads: Emerging Policy Options

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Résumé: Certes, le secteur informel permet à des millions d'Africains de faire face à la privation et à la marginalisation et de survivre au jour le jour. Cependant, il a échappé aux mains des économistes, des statisticiens, des comptables nationaux et du fisc. C'est un secteur qui crée des emplois, assure revenu et formation, contribue au PIB tout en entretenant d'importants liens avec d'autres secteurs comme l'agriculture et la manufacture. Les économies occidentales étaient mal préparées pour s'accommoder des réalités en matière de production, d'emploi et de revenus, prévalant dans les économies africaines. L'application de ces théories à la planification a débouché sur une marginalisation totale d'une bonne frange des producteurs africains. Présentement ce secteur est devenu populaire et, sous la pression des programmes d'ajustement structurel, il a été obligé de se substituer au secteur public, pour ce qui est de l'appui aux services sociaux. Toutefois, l'euphorie ainsi créée comporte des aspects socio-économiques négatifs. En somme, les options de politique qui se dessinent, militent implicitement en faveur d'une attitude de laisser-faire envers le développement. Sous le manteau des notions d'"auto-suffisance", de "participation populaire", le secteur informel est en passe de devenir la décharge publique de la responsabilité de l'Etat.

Introduction

Over the years, the informal sector has increasingly engaged the attention of development planners and policy makers throughout the Third World. In Africa, the informal sector came into the development literature when it was "observed" in Kenya, creating jobs, providing incomes and producing goods and services for the urban poor and disadvantaged. It was a fascinating discovery for development theorists: the sector had for decades eluded economists, statisticians, national accountants, taxmen, policy makers and planners. Yet it operated every day before their very eyes. Shoe-shine boys, street vendors, market women, currency exchange agents, "one-door" bar and restaurant owners, road-side mechanics and bicycle repairs, etc. all make up the informal sector. They provide transportation, food, drink, clothing, and a wide range of goods and services to a cross section of the African population, especially the poor. The informal sector, it was discovered, allowed millions of African urbanites to cope with deprivation and marginalization and to subsist from day to day.

With persistent pressures from the international community, particularly the International Labour Office (ILO), African governments were made to

acknowledge the merits of this sector and its potential contributions to development, and to change their attitudes - usually negative ones - towards operators in this sector. Initially the informal sector was held up for what it could contribute to easing unemployment problems in Africa's towns and cities. Then its other qualities began to surface: income generation, production of goods and services, a ground for training and skills development, a haven for out-of-school youths, an important contributor to GDP, etc.

During the decade of structural adjustment of the 1980s, the qualities of the informal sector came out in bold relief to the extent that none could question its importance in the African economy, and to the extent also, that important international development and financial institutions, which of late, exert a tremendous influence on public policy in African countries have been advocating for the informal sector to be given a greater role to play in development.

This paper proposes how policies could be formulated to assign a more prominent position to the informal sector in national development. In so doing, it begins first by examining the concept of the "informal sector" with a view to finding a common ground, a better understanding of the meaning of the term. It then goes on to review the contributions being made by the sector to growth and socio-economic development in Africa so as to underscore its importance in the African economy and make a case for it not to be neglected. The paper ends by proposing how the sector could be better integrated into the national economy and what public policy towards the sector should and should not do if African governments should attain their objectives of rapid socio-economic transformation of the region.

What is the Informal Sector?

Most attempts to define the informal sector despair even before beginning to do so. They start by referring to it as "elusive", "indistinct" a "fuzzy" concept, fraught with too many "grey areas" etc¹. This may be so because the informal sector does not seem to fit properly into the conceptual slots of development economies. From the conventional economists' point of view the sector appears to have little that can go into national accounting; it eludes government regulation, operates outside established fiscal arrangements and because its operations are so diverse it is difficult to locate

1 See for example ILO - *Employment, Incomes and Equality: A Strategy for Increasing Productive Employment in Kenya*; Geneva, 1972; Lisa Peattie "An Idea in Good Currency and How it Grew: The Informal Sector" *World Development*, vol. 15 No. 7 July 1987; Kenneth King, *An Evaluation of Research and Policies on Informal Sector Employment in Developing Countries*, World Bank, 1989; ILO/JASPA *Employment Promotion in the Informal Sector in Africa*, Addis Abeba, 1985; H. Joshi et al: "Urban Development and Employment in Abidjan", *International Labour Review*, vol. III, No. 4, 1975.

in *en bloc* within the production sectors of the economy. The "discovery" of the informal sector set development economics into some amount of disarray.

It was Keith Hart who first discovered the informal sector in Ghana at the beginning of the 1970s, while conducting anthropological research among the urban poor².

He observed that:

*Price inflation, inadequate wages and an increasing surplus to the requirements of the urban labour market have led to a high degree of informality in the income-generating activities of the sub-proletariat. Consequently, income and expenditure patterns are more complex than is normally allowed for in the economic analysis of poor countries. Government planning and the effective application of economic theory in this sphere has been impeded by the unthinking transfer of Western categories to the economic and local structures of African cities*³.

In other words, Western-based economics was ill-prepared to accommodate the realities of production, employment and incomes as they prevailed in African economies. The application of these theories to planning resulted in a total marginalization of a good chunk of Africa's producers. It took an anthropologist, not an economist, to point out this serious error.

Little wonder, therefore, that when the first real attempt was made to integrate these informal forms of production into prevailing economic theory, it met with a host of conceptual, definitional and measurement difficulties. That first attempt was made by the ILO in its Kenya employment report⁴. In an attempt to define the informal sector, the report found it easier to describe what it is not i.e. the formal sector. By describing the obverse of the characteristics of the formal sector, the report arrived at a description of the informal. According to the report, the informal sector is *not* characterized by any of the following which belong to the formal sector⁵:

- difficult entry
- frequent reliance on overseas resources
- corporate ownership

2 Hart Keith - "Informal Income Opportunities and Urban Employment in Ghana", *Journal of Modern African Studies*, No. 11, 1973 pp. 61-89.

3 Ibid.

4 ILO, *Employment, Income and Equity: A Strategy for Increasing Productive Employment in Kenya*, Geneva, 1972.

5 Ibid.

- large scale of operation
- capital-intensive and often imported technology
- formally-acquired skills
- protected markets (through tariffs, quotas and trade licences).

Therefore, its characteristic are its:

- ease of entry
- reliance on indigenous resources
- family ownership of enterprises
- small-scale of operation
- labour-intensive and adapted technology
- skills acquired outside the formal school system
- unregulated and competitive markets.

Many other attempts⁶ at a definition have fared little better than the ILO's. Some have defined it by the types of activities engaged in it namely street trading, shoe shining, petty craft activity; others by its size of capital, type of technology and scale of incomes, namely low capital intensity or high labour intensity, rudimentary or adapted technology, low wage and income levels, low skill levels; or its form of entry and methods of operation namely high unpaid apprenticeship, long and unregulated working hours; or its usual clientele, namely the urban poor; or vis-a-vis its relations with state authority and support namely the extent to which it contravenes government laws and regulations particularly regarding taxation, location of enterprises, minimum wages, etc., its access to formal sector financial and credit institutions, etc.

The informal sector is all things to all men. Robert Jourdain attempted a generalization which, unfortunately is quite inadequate, if not untrue definition, of the informal sector: "The informal sector encompasses all economic activities that are not governed by any laws or do not receive any assistance from the state⁷".

6 See for example, J. Friedman and F. Sullivan - "The Absorption of Labour in the Urban Economy: The Case of Developing Countries". *Economic Development and Cultural Change*, vol. 22, No. 3, 1974, pp. 385-413; H. Lubell, "Urban Development and Employment: The Third World Metropolis", *International Labour Review*, vol. 117, No. 6, 1978; S.V. Sethurman, "The Urban Informal Sector in Africa" *International Labour Review*, vol. 116, No. 3, pp. 343-352.

7 Jourdain, R. - "Patterns and Situation of the Informal Sector in Africa" in ILO, *Employment Promotion in the Informal Sector*, JASPA, Addis Ababa, 1985.

Some other definitions are even more confusing, which is probably why Hans Singer gave up and declared that: "the informal sector is like a giraffe: it is very difficult to define, but once you see one, you know it is a giraffe".

One definition that probably comes close to an acceptable generalization is provided by Natrass: by that definition, the informal sector consists:

*of all those people outside formal wage employment in the large-scale officially recognized and regulated sector, as well as all enterprises which function outside government rules and regulations and which operate on a small scale using labour-intensive technology*⁸.

This definition, however, places stress on employment and production, thus limiting, informal sector activities only to their economic dimensions.

What is certain is that any attempt to define the informal sector within the traditional parameters of economics will engender imprecision and confusion. One should recall that it was an anthropological study on how the poor (the unemployed and underemployed "sub-proletariat") survive in cities of the periphery that uncovered this sector where goods and services are produced, incomes are generated, skills acquired non-formally and employment is provided for millions. For close to two decades now, economists have been trying, with little success, to factor the informal sector into the development planning equation. In the last 5 to 10 years when structural adjustment programmes have been forcing African governments to divest from the economy, conservative social scientists have found merit in using informal sector forms of economic survival to replace public sector support to welfare and social services. This suggests that the informal sector is important not only for the goods it provides or the employment it creates, but also for the social services it renders in situations of government neglect. Thus, the informal sector should not describe only those activities through which cooking stoves and hoes are manufactured in some run down shack in a slum area of the city, but should also include the system in which credit and loans are provided by groups of individuals (e.g. the tontine system of West Africa) who would ordinarily not have access to the normal credit and loans markets, the communal system of resource mobilization for the provision of social services such as education, health, roads (e.g. the harambee system in Kenya), or the traditional African ways of caring for the old, the very young and the mentally ill.

The informal sector should be defined around ways of doing things⁹. It is the quasi-subsistence mode of producing goods and rendering services for

8 Natrass, Nicoli Jean - "Street Trading in Transkei - A Struggle Against Poverty, Persecution and Prosecution", *World Development*, vol. 15, No. 7, 1967, p. 863.

9 As suggested by Lisa Peattie op.cit.

pay, profit or communal and social well-being. The term quasi-subsistence is being used here to describe the notion of ways of doing things that are slightly less tenuous than subsistence production. In any case, most informal sector activities begin on a subsistence basis before gradually moving away into something more secure over time.

Such a definition would lump together a wide range of social and economic activities which cut across all sectors of the economy.

Some of the activities that could be classified under informal sector would clearly be illegitimate. For example, informal sector intra-African trade is called smuggling; informal sector bureaux de change are the black market. Many informal sector activities are socially and economically unproductive such as drug-dealing, prostitution, armed robbery, etc., which may provide an income to those engaged in them, but little of value to society and to the economy¹⁰.

The informal sector by our definition is present in manufacturing, the services, agriculture and - some have argued - in government (in the prevalence of rent-seeking, bribery, graft, "tempercentism" of public officials). In fact, because the majority of Africans are "informal sectorities", some have suggested that the term "informal" might be a misnomer; it would be more appropriate to refer to it as the "ordinary" sector or stick to the old Lewisian terms of "traditional" sector which categorizes into one, everything that does not fall within the confines of the modern/formal sector¹¹. Be that as it may, the concept of the informal sector is here to stay. It is important to identify the sector's contributions to socio-economic development and to determine how its potentials could be exploited for socio-economic transformation and sustainable development.

The Importance of the Informal Sector

There is no denying the fact that the informal sector has made invaluable contributions to economic and social life in Africa. It has provided employment, incomes, skills, education, health care, goods, communication, transport, child care, etc. to millions of Africans who would otherwise have been completely neglected in their needs for these goods and services by the formal sector.

Evidently, because the informal sector began featuring on account of its employment creation capacities and its being a haven for the poor and

10 See L.P. Mureithi - "Employment Promotion in the Informal Sector, Conceptual and Theoretical Issues" in *ILO/JASPA Employment Promotion in the Informal Sector*, op. cit., p. 38.

11 See Kenneth King - *An Evaluation of Research and Policies on Informal Sector Employment in Developing Countries*, World Bank, Washington, D.C., 1989.

disadvantaged, most of the literature has concentrated on employment and income related indicators.

Contributions to Job Creation

According to ILO/JASPA¹², employment creation in the informal sector increased by an average of 6.7% each year from 1980 to 1985. The informal sector employed twice as many people than did the formal sector and created six million new jobs against the formal sector's 0.5 million over the same period.

Table 1 gives an indication of the important contribution made by the informal sector in the creation of jobs.

**Table 1 - Urban Employment in Africa 1980-85
(in millions)**

Indicator	1980	1985	Annual % Charge
Urban labour force	28.1	36.3	5.3
Urban wage employment	9.6	10.1	1.0
Urban unemployment	2.8	4.5	10.0
Urban informal sector employment	15.7	21.7	6.7

Source: ILO/JASPA, African Employment Report, 1988.

In 1989, the informal sector employed 59% of the urban labour force or 19% of the African wage labour force. As shown in Table II, its share in total employment in 1985 varied from a high of 72.6% in Burkina Faso to a low of 21.8% in Gabon. It generated permanent employment for 19 million people in the decade of the 1980s whereas the formal sector provided only 2 million new jobs¹³. The importance of the performance of the informal sector during the difficult decade of structural adjustment would be even more appreciated when one considers that the severe economic contractions throughout the region deprived Africa's labour force of 3.6 to 4 million new permanent jobs between 1985 and 1987¹⁴.

12 ILO/JASPA - *African Employment Report*, 1988, Addis Ababa, 1988, p. 21.

13 See ILO/JASPA/ECA/OAU - *Report on the African Employment Crisis*, E/ECA/PHSD/HRP/MFC/90/6, Addis Ababa, 1990.

14 ECA - "Long Term Development and Structural Change in Africa: Manpower Planning and Utilization", ECA/ICHD/88/32, Addis Ababa, 1988.

Table 2 - Share of Informal Sector Employment in Urban Areas in Selected African Countries (1985)

Countries	Total Labour Force ('000)	Urban Labour Force ('000)	Informal Sector Employment ('000)	Informal Employment as % of urban Lab. Force	Informal Employment as % of total Lab. Force
Benin	1763	661	480	72.6	27.0
Burkina Faso	3270	392	236	60.2	7.2
Burundi	2108	144	65	45.1	2.9
Congo	640	514	153	36.9	23.9
Côte-d'Ivoire	3608	2332	1539	60.8	42.6
Gabon	465	211	46	21.8	9.9
Ghana	4671	1820	911	83.3	19.5
Guinea	2500	500	306	61.2	12.2
Madagascar	3932	838	190	22.7	4.8
Malawi	2655	578	133	23.0	5.0
Mali	2149	395	130	32.9	6.0
Nigeria	32232	12797	8332	65.1	25.8
Niger	2743	317	217	68.5	7.9
Rwanda	2681	246	116	47.2	4.8
Senegal	2478	625	283	44.3	11.4
Togo	1070	316	191	60.4	17.8
Zaire	10373	4919	3255	66.2	31.3
Africa	79598	27706	16369	59.0	20.6

Source: ILO/JASPA, African Employment Report.

Provision of Incomes

Some 40 million workers earn their livelihood in the informal sector. The incomes they earn allow an additional 200 million children, out-of-school youths, old people and the disabled to survive. This fact converges with recent evidence¹⁵ on informal sector incomes, to show that the sector is making very important contribution - providing a livelihood to a great many African. In fact, it has come to light that incomes earned in the informal sector are not as low, relative to those in the formal sector as had previously been thought. This may have been caused by the deep salary and wage erosions that occurred under structural adjustment programmes.

15 See for example A.A. Aboagye - "An Analysis of Dar-es-Salaam's Informal Sector", JASPA, Addis Ababa, 1985, ILO, *African Employment Report*, 1988.

Entrepreneurs in the informal sector earn incomes "that are comparable to, if not higher than the wages of workers in the modern manufacturing sector"¹⁶. Although wages of semi-skilled workers are lower than their counterparts in the formal sector, they are adequate enough to keep them above the subsistence line. The real losers in the informal sector appear to be the apprentices who earn from 0% (Yaounde) to 33% (Kigali and Bamako) of what apprentices earn in the formal sector¹⁷.

Provision of Training

Most new entrants into the informal sector (83.5%) are young illiterates or primary school leavers. They are equipped with only the most basic numeracy and literacy skills which makes them unprepared for direct entry into production. Some form of training on the job is therefore required of them. Even the few who enter informal sector enterprises from the vocational school system need some form of skill adaptation through training, because formal vocational education is typically geared to the needs of modern sector enterprises. In an informal sector survey conducted in Dar-es-Salaam, Aboagye discovered that some 63% of informal sector apprentices acquired their vocational skills in that sector whereas only 7.9 and 10.7% received training in vocational schools or large firms respectively¹⁸. This may be quite representative of the situation prevailing throughout the region in respect of the informal sector's contribution to skill development.

Contribution to GDP

Table III gives an indication of the important contributions which the informal sector is making to the region's GDP. In 1985, it accounted for as much as 34.6% in Liberia and 24.5% in Nigeria. In the twelve countries for which data were available, it contributed some US\$ 16 billion to GDP representing a respectable 20% of the total.

The sector was also found to have contributed 50% of production in trade, 32% in industry, 14% in services and 4% in transport¹⁹

Linkages with Other Sectors

The informal sector has very important output linkages with agriculture, to which it provides tools, equipment, services, etc, as well as input linkages with it and with manufacturing from which it obtains raw materials, spare parts, etc. The linkages with the formal sector are equally as strong, providing it with a wide array of intermediate and final products. Studies

16 ILO/IASPA, *African Employment Report* op. cit. p. 74.

17 Ibid.

18 Aboagye, A.A. - "An Analysis of Dar-es-Salaam's Informal Sector", op. cit.

19 ILO/IASPA, *African Employment Report*, op. cit. p. 71.

have established that there is more demand for informal sector goods from outside the sector than from within it. A JASPA study found that informal sector operators consume only 5% of their own products, whereas 50% are consumed in the formal sector and the remainder in subsistence agriculture²⁰.

Table III - Contribution of Informal Sector to GDP in Selected Countries in 1985

	Total GDP Millions of \$	Informal Sector GDP Millions of \$	Share of Informal Sector in GDP
Benin	1375	226	17.7
Burundi	1065	139.4	13.1
Guinea	1962	94.9	4.8
Kenya	5757	1121.7	19.5
Liberia	1003	345.5	34.6
Madagascar	2697	123.4	4.8
Malawi	1077	104.4	9.7
Mali	1643	107.3	6.5
Nigeria	50681	12439.7	24.5
Somalia	2206	154.9	7.0
Tanzania	3984	409.8	10.3
Zaire	5060	390.4	6.6
Average	79310	390.4	6.6

Source ILO/JASPA, African Employment Report, 1988.

Equally in the same study it was discovered that the informal sector spent some 25% of its turnover in purchasing inputs from the formal sector. For example, 28% of the electricity production in Djibouti is consumed by the informal sector. These are the types of linkages that allow for the sectors to stimulate each other's growth and increase the labour demand.

Provision of Employment and Incomes to Women

Although gender-specific studies on participation in the informal sector are relatively few, even the casual observer would admit the high rate of participation of women in that sector: marketing, cross-boarder trade, food retailing, dress-making, etc.

Table IV summarizes the findings of a study on women in the informal sector, conducted in Congo, The Gambia and Zambia. It reveals that in Congo 68.4% of all female employment in manufacturing was informal

20 JASPA The Informal Sector in Africa.

sector, in trade it was 94.1% and in services, 5.0%. For The Gambia, the shares were 71%, 88.9% and 36.2% respectively. Most female participation in the informal sector was in trade (88.8%, Congo; 86.3%, The Gambia; and 86.4%, Zambia).

Table IV - Female Participation in the Informal Sector

Indicators	Congo	Gambia	Zambia
% distribution of employment			
Manufacturing	10.3	6.1	15.3
Trade	86.8	60.4	78.0
Services	2.7	33.2	5.2
% distribution of informal sector GDP			
Manufacturing	8.4	8.6	10.9
Trade	88.6	86.3	86.4
Services	2.5	4.7	2.4
Others	0.5	0.4	0.3
% shares informal sector/ Total employment			
Manufacturing	68.4	71.0	80.3
Trade	94.1	88.9	90.6
Services	5.0	36.2	16.1
% Share in informal sector GDP			
Manufacturing	21.2	14.5	28.6
Trade	67.8	30.3	47.8
Services	7.2	14.2	10.1

Sources: ECA/IRTIAW/UN: Synthesis of Pilot Studies on Compilation of Statistics on Women in the Informal Sector, May 1990.

Provision of Social Services

The informal sector also operates on the social welfare plane. In disadvantaged communities, self help schemes provide credit, build schools and run them and provide health care facilities. Particularly in rural communities and in the urban peripheries it is through these self-help schemes that dwellings are constructed, maintained or repaired, and children get cared for during the working day. All these activities, which have as yet not featured in national accounting or with any degree of prominence in social accounting contribute significantly to the life and welfare of millions

of Africans. All these ways of doing things have proved to be a most effective cushion against crises and abject poverty.

Emerging Policy Priorities for the Informal Sector

In recent years, African governments, regional and international organizations and donors involved in development activities in Africa have come to realize and acknowledge the important role which the informal sector plays in the socio-economic development of Africa. The earlier pronouncements of public sector support for the sector started in East Africa - Kenya and Tanzania. Initially this support took the form of linking the educational and vocational training system to the needs for skilled manpower in the informal sector as well as to the need to make new school-leavers more easily employable. For years, this support was real only on paper.

In the decade of the 1980s however, when the informal sector demonstrated its tremendous strength and resilience in the face of the recession and the socio-economic crisis, many African governments have more explicitly expressed their support for it and have actually followed up their policy pronouncements with concrete programmes designed to activate the potentials identified in the sector. For example, in their recent development plans, Burkina Faso and Kenya have come up with programmes of support for enterprises in the informal sector, and for grassroots socio-economic development institutions. Côte-d'Ivoire and Senegal have extended special licensing facilities to informal sector businesses designed to assist them forge stronger linkages with the formal sector markets and commercial institutions.

The international institutions themselves, which "exposed" the informal sector have been refining their policy proposal vis-à-vis a fuller integration of informal sector activities into national development policy and planning. In the past a call was made to African governments to stop harassing the informal sector to do away with the negative policies formulated against it and to begin extending to it, development support in the form of improved infrastructure, access to credit markets, market protection, access to technology and improved production inputs, training etc.²¹.

It is true that over the years, the response of government policy in this regard, though gradual, has been positive all over Africa. The examples are many. Access to credit and financial markets have been opened in some countries to informal sector operators. The best example of this initiative is

21 See for example, ECA - "The Crisis of Unemployment and Human Resources Management", E/ECA/SM.II/33, Addis Ababa, 1985; ILO/JASPA, African Employment Report, 1988, op. cit.

in Nigeria where the "People's Bank" provides credit without collateral to small entrepreneurs who would under the conventional banking practices, otherwise not be eligible to such a facility. In Kenya, the production needs of the "jua kali" workers - meaning those working under the sun - is increasingly being recognized by government.

Efforts have recently been made to improve their production environment by providing them with simple workshops, electricity, toilets, public telephones, etc. Senegal has recognized the need to provide management support to up-and-coming informal sector entrepreneurs by making available to the management training and start-up capital on an interest-free basis. Several such programmes exist in Nigeria²²: the job creation loan guarantee scheme which provides collateral to prospective entrepreneurs with good business ideas but no access to bank credit; the mature people's programme which provides opportunities for self-employment to retrenched public servants; the school leaver's programme which is targeted to technical and vocational training of out-of-school youths for eventual employment in the informal sector. In the Gambia, the indigenous Business Advisory Service provides managements support and training to informal sector operators and also assists in mobilizing capital for their start-up operations.

The priority to the informal sector that has recently surfaced in government policy is indeed commendable. There appears, however, to be emerging, an over enthusiasm with this sector, which needs to be dampened somewhat because of the undesirable and negative socio-economic development perceptions that seem to be weaving themselves around the importance of the informal sector. The 1990 ILO/JASPA/ECA report on the Employment Crisis in Africa had this cogent observation to make:

... The 1980s have witnessed a process of informalization of the labour markets in Africa. Labour market informalization has taken two different forms. First, the production structure has been informalized in the sense that an increased proportion of economic activity is taking place outside the formal sector. At present, formal wage employment represents merely 11% of the regional labour force. The second type of informalization concerns the conditions of employment in the formal sector. Modern sector labour standards have gradually been informalized. Money wages have declined in some countries while real wages have been flexible downwards in most countries, both in absolute and in relative terms. The high wage levels that prevailed until the early

22 See Ali D. Yahaya - "Employment Creation and Skills Development: A survey of the Nigerian Situation" in Crispin Grey-Johnson (ed) *The Employment Crisis in Africa: Issues in Human Resources Development Policy*, AAPAM, 1990.

*1970s have been replaced by near-starvation wages in the 1980s, specially in the public sector*²³.

It could be argued that these adjustments are market-induced. If that were the case, there would be no need to talk of "informalization" of the African labour market. The sad reality, however, is that they are, in fact, policy-induced - a direct policy of structural adjustment e.g. compression of wages and reduction of the public sector wage bill, or a fall-out of the application of SAPs - reduction in demand or contraction of formal sector activities resulting in a greater search for refuge in the informal sector.

Any casual observer of the way things are being done in Africa's modern sector would agree that the amount of "moonlighting" among Africa's formal sector workers has increased tremendously. More and more people spend more of their working time engaged in secondary activities that are not related to those activities for which they are employed and are being paid. But that is the only way they can make ends meet.

In sum, the formal sector appears to be divesting more and more to the informal sector in so far as the provision of incomes and employment is concerned. There are strong pressures on African governments to begin doing the same on the social plane as well. A recent World Bank policy study on education in Africa²⁴ recommends that African governments should reduce the level of public financing of education by containing costs and encouraging a greater community involvement in the provision of education services. In carefully worded language, it instructs African governments on the ways of "diversifying" their sources of financing education:

*... diversification can be achieved through increased cost-sharing in public education and through increased official tolerance and encouragement of non-governmental suppliers of educational services. For many African countries, increased user charges in public education will be inevitable, but the policy should be directed especially at the tertiary level, where more than a third of public expenditure in the typical country, now covers student welfare costs, as distinct from pedagogical cost...*²⁵.

The African way of doing things through communal/self-help initiatives should, in other words, be exploited further to finance education. Already, in many African countries, communities are made to build and equip schools,

23 JASPA/ECA/OAU - *Report on the African Employment Crisis*, op. cit. p. 15.

24 World Bank - *Education in Sub-Saharan Africa: Policies for Adjustment, Revitalization and Expansion*, World Bank, Washington, D.C., 1988.

25 *Ibid.* p. 2.

pay teachers and conduct repairs and maintenance. Children taking their own chairs and desks to school is becoming a familiar sight in the rural areas of Africa. The informal sector is taking over more and more of the public sector's responsibility for providing educational services. The same holds true for the provision of health care services, water supply, transportation and housing for the poor.

The emerging policy thus seems to be one of shrinking government responsibility in providing economic and social protection to the African people and to let them, through their ways of doing things, fend for themselves. Frank Child sounded the warning alarm almost twenty years ago when he wrote:

The informal sector should be the development planner's delight. It provides its own venture capital and trains its own skilled labour. It needs little of the expensive, high-level professional manpower so much in demand in the modern sector. Roads, utilities and communications provided for the modern sector, will benefit the (informal) sector at no extra cost... It is a low-cost development sector²⁶.

Over the years there has been a progressive distortion of the findings of informal sector studies, to the extent that some governments and very influential development and financial institutions are today exploiting their knowledge of the African informal sector to see through policies that amount to advocating a *laissez-faire* attitude to development. Governments are passing on the buck to the informal sector. As L.P. Mureithi says, when the full social and economic potential of the informal sector were brought to light, it was 'Eureka' for *laissez-faire* policy-makers²⁷.

Developmental Policies for the Informal Sector

The World Bank describes the African informal sector as "the most accessible and competitive part of African economies"²⁸. There lies its strength, but also its emerging weakness. It can be used under the guise of "self-reliance", "popular participation", etc. as the dumping-ground of state responsibility, and yet, the informal sector can and should be used as a stimulus of socio-economic development. It has always existed by another

26 Child Frank - "Employment, Technology and Growth: The Role of the Intermediate Sector", in F. Chilo and M.E. Kempe (eds) *Small Scale Enterprise, Occasional Paper, No. 6*, IDS, Nairobi, 1973.

27 Mureithi, L.P. - "Employment Promotion in the Informal Sector Conceptual and Theoretical Issues" in ILO/JASPA, *Employment Promotion in the Informal Sector in Africa*, Addis Ababa, 1985, p. 41.

28 World Bank - *Sub-Saharan Africa: From Crisis to Sustainable Growth*, Washington, D.C., 1989, p. 135.

name in all developing societies: from the *meiji era* in Japan to the wild west of the United States. In the latter, it was gradually and completely co-opted into the formal sector. In the former, it was used as the hub of industrialization with blacksmiths being the main agents.

Africa is now presented with an opportunity to use the creative energies of the informal sector to spearhead socio-economic transformation by coming up with policies and programmes that would promote indigenous entrepreneurship and industrialization, begin establishing lasting linkages between all the sectors of the economy, raise worker skill levels, produce goods and services for the domestic economy, provide significantly more jobs and greater incomes for the urban labour force and the non-farm rural producers, and begin the process of sustainable and self-sustained growth.

Conversely, Africa could choose to leave its growth prospects in the hands of semi-literate slum dwellers who produce for a market of the poor, with levels of productivity so low that they can have little impact on the livelihood of the community. The informal sector can be used to sustain poverty and as a means of coping with deprivation. It can be left to producing poor quality goods and sub-standard social services. The informal sector can be used to frustrate Africa's objectives of industrialization, middle- and high-level manpower development, the modernization of agriculture and the eradication of poverty.

Many recommendations have been put forth as to how the informal sector could be rendered more productive and how its labour-absorptive capacity could be enhanced. Later, reference will be made to some of these. But as a first step, it is important to situate the potentials of the informal sector within the policies and strategies for socio-economic transformation of the African continent, which African governments have collectively embraced.

Implementing the AAP/SAP in the Informal Sector

It is significant that the AAP/SAP recognized that the informal sector occupies an important place in Africa's political economy:

Africa's informal sector plays a significant and growing role in economic activity, particularly in production, distribution, finance and employment creation. It is estimated to account for about 20% of total output and over 20% of the total labour force and these ratios are expected to rise over time. This notwithstanding the sector is presently fairly underdeveloped and is characterized by low productivity. In part, this is due to government policy which has so far generally neglected or discriminated against this sector. Additional impediments include: poor interlinkages with the modern formal sector, competition from modern manufactures; lack of training and limited access to more productive

*resources. It is important, therefore, to support the sector with clear policies aimed at increasing its productivity*²⁹

For the informal sector to be instrumental in socio-economic transformation, the constraints identified in the AAP/SAP must be removed and clear policies and programmes aimed at making it an important engine of growth and development would need to be formulated.

The informal sector already displays the prerequisites identified in the AAF/SAP for socio-economic transformation:

*Increasing the productivity and efficiency of resources, decreasing the dependency on external resources and ensuring a broad-based participation of its people in the process of deciding on their needs and producing them*³⁰. The AAF/SAP also advocates financial autonomy as a prerequisite to development and calls for the elimination of relationships of dependences:

foreign exchange and aid dependence; reliance on foreign direct investment... and all the different types of financial dependence".

The informal sector has all these attributes within it. It produces for domestic consumption. It relies only marginally on external resources. It is almost totally devoid of financial dependence and especially in the social sector it involves the people in articulating their needs and organizing themselves to meet them. With careful planning of enabling programmes, the informal sector could be made to bloom in these basic attributes.

In what follows, an attempt is made to adapt the policy instruments advocated in the AAF/SAP³¹ to requirements for informal sector development.

29 ECA - *African Alternative Framework to Structural Adjustment Programmes for Socio-Economic Recovery and Transformation*, Addis Ababa, p. 3.

30 Ibid, p. 13.

31 Ibid, table 5.2, p.38.

**Table V - AAP-SAP Policy Instruments and Measures
and Informal Sector Development**

Description of Policy instrument and measure	Effects for adjustment with transformation	Impact on the informal sector
A.1. Land reforms for better access and entitlement to land for productive use; enhancement of the role of women as agents of change and the modernization of the food production sector;	Increased production and opportunities for gainful employment; poverty alleviation and more equitable income distribution of the labour demand; increased urban incomes; expansion of non-farm, informal sector employment	Stimulation of demand for informal sector goods & services stepped up production of agricultural tools and implements; stimulation
A.2 Devoting at least 20-25 per cent of the total of public investment to agriculture productivity; expansion of rural employment	Improved rural infrastructure and agricultural institutions; increased agricultural rural, non-farm employment; increase in incomes	Stimulation of informal sector construction and related activities? transport, expansion
A. 3 Allocation of an increasing share of foreign exchange for imports of vital inputs for agriculture and manufacturing sectors; expansion of agricultural and industrial employment; increased domestic output of essential commodities and avoidance of import strangulation; and increased interlinkages between agriculture and industry.	Satisfaction of critical needs	Greater demand for informal sector goods and services, stimulation of production, employment and incomes
A. 4 Sectorial allocation of credit using credit guidelines that would favour the food sub-sector and the manufacture of essential goods.	Increased production of food and essential manufactured goods, increased gainful employment	More opportunities to improve production technology and services higher levels of productivity
A. 5 Adoption of investment codes and procedures tailored to the promotion and development of small-scale industries.	Better enabling environment with greater involvement of local entrepreneurs	More active encouragement of informal sector expansion and efficiency increase of employment and incomes.

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| A. 6 | Use of selective nominal interest rates in such a way that interest rates on loans for speculative activities would be greater than the rates on loans for productive activities, and resulting weighted real interest rates for savings would be positive | Increased mobilization of domestic savings; reduction of speculative activities; shifting resources to productive activities | Greater support to enhance efficiency and productivity increases in the informal sector |
| A. 7 | Creation and strengthening of rural financial institutions | Increased mobilization of rural savings and improved financial inter-value of rural production | Growth of rural, non-farm activities; increase of quality, quantity and |
| A. 8 | Rehabilitation and rationalization of installed productive and infrastructural capacities and setting up of an effective national maintenance system. | Fuller capacity utilization; economic growth; savings in foreign exchange. | Greater demand for informal sector goods and services; favourable employment and incomes effect |
| A. 9 | Utilizing the existence of <i>de facto</i> multiple exchange rates systems in a rationalized manner and/or creating and streamlining such a system for purposes of resource transfers, resource mobilization and reversal of capital flight and ensuring availability of essential imports | Encouragement of capital inflows, especially by nationals working abroad, and discouragement of capital flight; improvement in balance of payments; satisfaction of critical needs. | |
| A. 10 | Creation of a special fund for loans at subsidized interest rates to certain groups of economic operators. | Encouragement of greater productive activity | Improvement in quality of informal sector products and services, higher productivity; expanded employment and higher incomes |
| B. 1 | Enlarging the tax base, improving efficiency and probity of the tax collection machinery | Increased government revenue | Greater chances of providing better and more social, technical and infrastructural support to the informal sector. |

Africa Development

B. 2	Reduction of government expenditure on defence as much as possible, and on non-productive public sector activities	Release of resources for investment; improvement in resource allocation; improvement in balance of payments	More resource support to the informal sector
B. 3	Removal of subventions to parastatals other than those in the social sector and nationally strategic basic industries	Release of resources for productive investments; better fiscal balance.	Transfer of demand to informal sector enterprises, increased output; higher labour demand
B. 4	Use of limited, realistic and decreasing deficit financing for productive and infrastructural investments that have little import content	Sustaining growth through support to relevant production units	Increased direct demand for informal sector goods and services; stimulation of production, stimulation of informal sector demand for formal and agricultural sector goods and services.
B. 5	Guaranteed minimum price for food crops managed through strategic food reserves.	Food production on a sustained basis, assured income to farmers; increased access to food for majority of the population; control of inflation	Stimulation of informal sector food processing industries; transport services; trade, etc. more informal sector business activities; higher incomes; higher labour demand.
C. 1	Expenditure-switching (without necessarily increasing total government spending) to raise government outlays on, the social sectors particularly those aspects of education, health and the integration of women in the development process that are likely to increase productivity, such that an average of 30 per cent of total annual government outlays is devoted to the social sectors; and, thereafter to maintain a growth rate in public outlays on these sectors at above the population growth rate.	Satisfaction of critical social needs, investment in human capital; raising living standards of majority of the population.	Higher standards of health, education and nutrition; a more technically skilled workforce; higher productivity.

C. 2	Selective policies through subsidies, pricing policies, etc., to increase the supply of essential commodities required for maintaining a socially stable atmosphere for development.	Increased affordability of essential goods and services as well as critical intermediate inputs; increased production of industrial raw materials; control of inflation.	Stepped-up demand for informal sector goods and services; increase in output employment and incomes
C. 3	Selective use of trade policy, including banning of certain specified luxuries; high tax rates on conspicuous consumption and competitive factor inputs that have domestic substitutes, and mass education towards consumption of domestic goods.	Changes in consumption patterns; enlargement of markets for domestic goods; changes in production patterns; internationalization of production of factor inputs improvements in balance	Protection of market for informal sector goods; increased demand for inputs from other sectors stronger integration of informal sector into mainstream of national economy.
C. 4	Strengthening intra-African monetary and financial co-operation as well as payments and clearing arrangements.	Increased self-reliance and capacities to finance adjustment with transformation.	Encourages the introduction of informal sector goods in intra-regional export markets.
C. 5	Limitation of debt service ratios to levels consistent with sustaining and accelerating growth and development of payments position.	Freeing of resources for productive activities to sustain adjustment with transformation, improvement of balance	Informal sector would benefit from the additional resource outlays for productivity increases
C. 6	Specific export incentives for processed exports and carefully-selected primary commodities.	Increased diversification; reduced vulnerability to fluctuations in commodity prices; export growth and increased export earnings.	A more important participation of the informal sector in export markets.
C. 7	Differential export subsidies; removal of trade barriers; and encouraging better trade to boost intra-African trade	Reduced external dependence and better product mixes and integration in Africa.	Lifting of restrictions on informal sector cross border trade; more prominence and protection to informal sector products; greater demand and output.
C. 8	Bilateral and multilateral agreements on primary commodities.	Improved and more stable balance of payments.	

D - Institutional Support for Adjustment with Transformation

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| <p>D. 1 Creation of adequately funded "supervised food production credit systems" in rural areas with easy access by farmers in terms of limited collaterals, etc areas like small irrigation schemes.</p> | <p>Sustained increase in food production and adoption of technologies to reduce vulnerability to weather through increased investments in civil works programmes.</p> | <p>Promotion of innovation in the informal sector; improved indigenous technologies; home grown production techniques; greater participation</p> |
| <p>D. 2 Strengthening agricultural research focussed on production; creation of extension services and for the diffusion, application and operationalisation of research.</p> | <p>Will accelerate process of achieving a green revolution in Africa especially in the five food crops that are basic to food self-sufficiency in the region, (maize, sorghum, millet, rice and tubers) as well as accelerate the building up of a viable industrial base.</p> | <p>Stimulation of growth and efficiency of informal sector industries, transport system, trade and services; higher levels of employment and incomes.</p> |
| <p>D. 3 Creation of rural institutions to support cottage industries and small scale industries with emphasis on indigenous technology, domestic finance, rural infrastructure and women participation.</p> | <p>Promotion of integrated rural development; enhancement of the attractiveness of rural areas; promotion of rural technological development; employment generation.</p> | <p>Expansion of rural informal sector enterprises to support agricultural production; higher productivity in on-farm and off-farm activities.</p> |
| <p>D. 4 Legislation of a clear framework of ownership and participation of the different socio-economic groups such as rural co-operatives, artisans, traders, etc</p> | <p>Will enable popular participation in production, marketing and development in general; and the strengthening of the informal sector and its ultimate integration into the main-stream of development.</p> | <p>More active informal sector participation in marketing, distribution and trade.</p> |
| <p>D. 5 Establishment of community development institutions especially indigenous NGOs and self-help programmes.</p> | <p>Will enable use of direct community labour on a voluntary basis for the provision of rural infrastructure such as feeder and access roads, health centres and dispensaries, school buildings and small irrigation schemes.</p> | <p>Expansion of employment and incomes; stimulation of demand for informal sector goods and services.</p> |

D. 6 Greater mass participation in decision-making and implementation of programmes.	Greater confidence of the people in their own societies and government; greater commitment to development; more efficient and highly motivated human resources.	Empowerment of people to articulate their needs and meet them.
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Informal Ways of Developing the Social Sector

Concern has been growing over the increasing neglect of the social sector in Africa. This is manifest in the many social issues that have been brought to the fore over the years by the international community: birth control or family planning, the aged, the youth, street children, integration of women in development, etc. Much of the concern however, addresses problems that have emerged over the last three decades in the course of formalizing, and modernizing traditional society in the name of "development". These problems are the result of development strategies that have marginalized traditional ways of doing things (the informal sector) to protect those who have now emerged as the victims of these development policies and strategies.

There are traditional means of birth-spacing, health care, care for the aged, the child and youths. In traditional Africa, orphanage was not a problem, neither was hopelessness. The extended family system was such as to allow all vulnerable members of society to enjoy some measure of social protection. This is the informal sector at work in the sphere of social welfare and development.

One problem with the traditional ways of doing things is that they may not be as efficient as one would like them to be. Some countries have recognized this shortcoming in the informal sector and have proceeded with policies and programmes to increase the sector's efficiency in the delivery of social services. Zimbabwe, for example, has officially recognized the National Association of Traditional Healers whose primary objective is to make informal sector operators in the health sector ("witch doctors") provide better services to their clientele. It also aims at making formal and informal sector health systems work with each other in a mutually reinforcing way. The success of such an initiative can only lead to a much improved national health care system.

Much of what needs to be done to make the informal sector operate more efficiently in the social sector requires nothing more than training. In The Gambia, for example, traditional midwifery systems have been used to combat problems of infant malnutrition, morbidity and mortality. They are also more actively involved in family planning programmes. The people involved have been provided with additional skills and used as change

agents to propagate among their constituency, more efficient forms of caring for mother and child. Thus maternal and child health care systems have been improved using the existing ways of doing things in the informal sector, and without negatively altering the structure and infrastructure of the sector.

Public policies which aim at increasing efficiency in the informal/social sector will help improve on the delivery of services, render workers in the sector more productive, reduce their underemployment and raise their income levels.

Increasing Productivity and Incomes in the Informal Sector

In the decade of the 1990s, with or without the assistance of government, the informal sector will be the most important labour sponge in Africa's urban labour markets, where it will provide some 60 to 70% of the new job openings. Nationally, it will be second only to the agricultural sector, creating between 20 and 25% of all new jobs in the economy³². It will also be responsible for providing incomes and skills to millions of young African workers.

But its productivity and labour absorptive capacities could be increased substantially, if certain policies and programmes were directed towards it for the purpose. The possibilities for doing so are discussed below.

The Policy Environment

The main constraints on the growth of the informal sector are its difficulty of access to formal sector capital markets and a discriminatory macro-policy environment. Credit and market policies have generally favoured formal sector enterprises; banks avoid lending to the informal sector for its usual lack of collateral and higher risks of default. Local authorities deny informal sector operators business sites and subject them to constant harassment.

To increase the informal sector's labour absorptive capacity, it would be most important for these constraints to be removed *a priori*. In this respect, Nigeria's People's Bank and Kenya's informal sector infrastructural support programme are worthy emulation by other African countries.

Bank lending policy should be made more flexible to accommodate the special features of the micro- and small entrepreneurs. They would be more responsive to needs if they placed greater emphasis on project viability, management skill levels, experience and character of the borrower rather than collateral. Government could also assist by ensuring that it extends a much higher percentage of its loan guarantees to informal sector operators.

32 Diejomaoh, Vremudia, P. - *Enhancing Employment Prospects in Tanzania: The Challenge for Policies, Programmes and Institutions*, ILO/JASPA, Addis Abeba, 1990.

Skill Upgrading

The main problem facing entrepreneurs in the informal sector is one of low productivity caused, in part, by the low skill levels prevailing in the sector. Yet evidence exists to show that most informal sector operators have the potential to perform at much higher skill levels than they currently possess. Programmes should therefore be formulated to assist as many of them as possible, particularly those in manufacturing enterprises, to acquire more modern production skills whose application in their enterprises would help improve the quality of their products.

Management is an area in which many informal sector entrepreneurs are found to be wanting. Their performance would be significantly increased if they were trained in basic book-keeping, procurement and supply management, staff supervision and marketing.

Market Protection

The informal sector produces a lot of goods that are, in fact used by enterprises in the formal sector. Systematic policies designed to guarantee an outlet for informal sector goods in the formal sector have yet to be formulated. Such policies would have the effect of ensuring that resources are not wasted in importing goods which could be produced locally while, at the same time stimulating the demand for informal sector goods in the domestic economy, and pushing up the labour demand.

In like manner, a guarantee of access to foreign exchange resources for the importation of essential raw materials and other production inputs would also help informal sector operators to increase their access to technology as well as improve the quality of their products, their value and the demand for them. Such increase and improvements would result in a commensurate increase in the labour demand.

Special Programmes for Youth and Women

Youths and women constitute the bulk of informal sector workers in Africa. Yet they face special difficulties with regard to credit, entry, ownership and training. One JASPA study³³ reveals that a young man entering the informal sector was most likely to do so as an unpaid, or low-paid apprentice and would require a minimum of 15 years service in the sector before striking out on his own.

These entry and setting-down difficulties could be significantly assuaged if training institutions began mounting special programmes for informal sector apprentices on a needs-specific basis, and if a special capital fund to help themselves establish in business were created.

33 Ibid.

The problem of informal sector women workers is mainly one of illiteracy. Considering that they abound in retail and cross-border trade activities, it is important, for their greater efficiency, that their literacy and numeracy skills be upgraded. Special literacy and non-formal education programmes designed to attain this objective would meet this urgent need.

Institutional Support

The public institutions with responsibility for labour and employment matters have not as yet incorporated into their functions, the concerns of the informal sector. This goes not only for the way ministries of labour, employment, planning and education are structured and discharge their day-to-day responsibilities, but also in the way employers associations, workers unions and chambers of commerce and industry are constituted, draw their membership and serve their clientele. Their concern is almost exclusively for the formal sector labour force

With the incontrovertible evidence on the importance of the informal sector in job creation and the provision of incomes in Africa, and with the need for more explicit forms of government support growing every day, it is most important that a mechanism be installed in government to plan for, and monitor the growth and more efficient functioning of the informal sector. Ministries of labour, employment, human resources or planning would be the best locus for such a mechanism to be situated.

Equally, worker's and trade unions, employers' associations, etc., should be encouraged to broaden the scope of their activities to take in the needs of the informal sector.

Without such institutional support, it would be difficult for policies to be formulated or programmes designed and implemented in furtherance of national objectives for the promotion of the informal sector.

Conclusion

The AAF/SAP explicitly denounces any policies that result in the withdrawal or reduction of resources to the social sectors. In this paper it has been argued that informal sector social organization has been exploited to compensate for the growing neglect of social welfare concerns by African governments. The strengths of these informal social organizations should be exploited further not to fill in gaps created by the state shirking its responsibilities, but to complement the efforts of government to bring about rapid socio-economic development. To do otherwise would be to retard the pace of change and significantly limit Africa's development prospects.

Further, African governments should not attempt policies that end up formalizing the informal sector. Its credit institutions, trade networks, forms of production, health delivery systems, education and training, child care systems, etc., should not be disrupted, but rather be supported in ways that

would make them operate more efficiently in rendering services and producing goods.

In addition, the perception that the informal sector is there to cater to the poor and disadvantaged - true as it may be - should now be changed. The potentials of the informal sector are such as to make it the core of an integrated African economy, the hub of technology development and industrialization and a fertile ground for the acquisition of developmental skills.

Governments should formulate enlightened policies to allow the informal sector fulfill these most important roles, and eschew those policies that would make it perpetuate the vicious circle of poverty.

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Restructuration et évolution de l'emploi dans le secteur public et parapublic en Côte-d'Ivoire

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Abstract: Faced with both internal and external deficits, Côte-d'Ivoire has embarked upon a restructuration programme of its public and para-statal sector; The restructuration option is theoretically warranted by the public deficit-external deficit nexus and the very weak performance of public enterprises. To ensure the productive efficiency of state structures and an optimal allocation of resources, measures such as liquidation, privatization and rehabilitation of public enterprises have been carried out. Privatization entailed three different modalities each of which is faced with objective limitations associated with internal bottlenecks. Of these, the major one is the absence of "shumpeterian entrepreneurs". In the process of industrialization, is it possible to do away with the public sector? Presently these reforms have resulted in shrinking employment whose magnitude varies according to the nature of the public enterprises and branches concerned. The deterioration in the employment condition has given rise to such new phenomena as unemployed graduates and extended duration of unemployment.

Introduction

Le secteur étatique dont l'expansion s'est faite par la création de nouvelles entreprises publiques, l'achat partiel des biens privés par l'Etat et la prise de participation de l'Etat dans les sociétés privées comprend: les sociétés d'Etat (SE), les établissements publics nationaux (EPN), les sociétés d'économie mixte (SEM). On dénombre aujourd'hui 7 SE, 61 EPN dont 35 EPA (Etablissements publics à caractère administratif) et 26 EPIC (Etablissement Publics à caractère industriel et commercial) et environ 200 SEM.

Le secteur public et parapublic regroupe donc actuellement près de 300 entreprises qui satisfont aux critères de contrôle étatique et de produit commercial à divers degrés.

L'expansion du secteur public et parapublic a été dans l'ensemble mal contrôlée et a occasionné des déficits qui ont pesé lourdement sur l'équilibre des finances publiques. En 1980, le déficit du secteur public dépassait 12% du produit intérieur brut (PIB).

Au déficit public s'ajoute le déficit externe qui résulte de la détérioration des termes de l'échange et de l'augmentation des charges de la dette

extérieure. Le déficit de la balance des paiements courants représentait 17% du PIB en 1980.

Confrontée aux déficits interne et externe, la Côte-d'Ivoire, sous l'égide de la Banque mondiale et le Fonds monétaire international (FMI), s'est engagée dès 1981 à appliquer un programme d'ajustement structurel. Ce programme vise essentiellement deux objectifs: d'une part un meilleur équilibre budgétaire par une plus grande rigueur, une réduction des dépenses d'investissement et une gestion plus efficace des ressources de l'administration; d'autre part la diversification et la compétitivité de l'économie ivoirienne.

Les principales mesures prises à cet effet consistaient en une politique budgétaire visant à augmenter les recettes publiques tout en maîtrisant l'évolution des dépenses, une politique monétaire plus restrictive, enfin une politique d'endettement plus sélective¹.

La rigueur budgétaire s'est traduite par un freinage drastique des dépenses d'investissement du secteur public. Les investissements publics sont passés de 18% du PIB en 1980 à 15% en 1981 et 11% en 1983.

De toute évidence, les mesures préconisées dans le cadre de ce programme concernent en premier lieu le secteur public. La restructuration dont il est l'objet, vise une efficacité et une productivité des structures étatiques ainsi qu'une allocation optimale des ressources.

L'objet de cet article n'est pas d'apprécier l'opportunité de cette restructuration mais d'étudier son impact sur l'emploi du secteur public et parapublic.

Il est intéressant de suivre l'évolution de l'emploi dans le secteur public car il représente déjà près de 40% du volume global de l'emploi du secteur moderne compte non tenu de celui de la fonction publique. Par ailleurs, le principe de la stabilité de l'emploi est remis en cause dans le secteur public puisque des milliers de travailleurs ont été licenciés au moment de la restructuration de ce secteur.

Bien que le processus de restructuration ne soit pas totalement achevé, nous allons, dans une première partie présenter son fondement et ses modalités et dans une deuxième partie analyser ses effets sur l'emploi en tenant compte de la nature des entreprises publiques et des branches dans lesquelles la participation de l'Etat est prépondérante. Cette analyse sera précédée de la présentation des mesures institutionnelles et conjoncturelles prises pour freiner la croissance des effectifs du secteur public et parapublic.

1 Rapport économique et financier du Ministère de l'économie et des finances 1989, p. 17.

Le fondement et les modalités de la restructuration

Les programmes d'ajustement structurel remettent en cause l'Etat providence et recherchent un ordre social par le marché; il s'agit en fait de désengager l'Etat.

Le désengagement de l'Etat s'est concrétisé par la restructuration du secteur public dont il convient de préciser le fondement.

Le déficit public, fondement de la restructuration

La réduction du déficit public est l'un des principaux objectifs du PAS. Une telle option se justifie théoriquement.

La causalité déficit public-déficit extérieur

Sur le plan théorique, l'existence d'une relation entre le déficit public et le déficit extérieur est établie même si les points de vue divergent beaucoup sur cette question.

En effet dans l'optique keynésienne traditionnelle, il n'y a pas de relation privilégiée entre les soldes. Les keynésiens justifient cela par deux raisons. La première est que le solde des paiements extérieurs est déterminé aussi bien par les événements extérieurs, les coûts internes et le taux de change que par les mesures nationales en matière budgétaire et monétaire. La deuxième est que le solde externe agit sur le solde budgétaire dans la mesure où celui-ci est utilisé pour régler le niveau de la demande².

Ce point de vue des keynésiens traditionnels est à l'origine de deux thèses radicalement opposées. D'une part la causalité à sens unique du déficit public vers le déficit externe (la thèse de la Nouvelle Ecole de Cambridge), d'autre part la liaison déficit extérieur-déficit budgétaire mais dont la causalité est inverse de celle de la Nouvelle Ecole de Cambridge.

Il y a là deux thèses opposées sur le caractère endogène ou exogène des différents soldes. Si l'objectif fixé est le déséquilibre extérieur, la causalité ira du déficit public vers le déficit externe, par contre la causalité sera de sens inverse si le souci est le déficit public.

Les mesures prises dans le cadre des PAS se fondent sur la causalité déficit public-déficit extérieur. Le déficit extérieur résulte du déficit public; celui-ci est causé par l'excès de la demande globale. C'est la raison pour laquelle les PAS ont pour souci majeur de freiner la demande effective totale par des mesures budgétaires et monétaires restrictives.

2 E. Girardin et W. Marois (1987), "Déficit budgétaire et déficit externe: une analyse empirique". In *Revue d'Economie Politique*, No. 1 p. 55.

L'objectif affirmé étant la diminution du ratio dépenses publiques/PIB, les mesures du PAS visent simultanément l'augmentation des recettes fiscales et la diminution des dépenses publiques. Les décisions budgétaires prises pour réduire les dépenses publiques sont la limitation des hausses de salaires des fonctionnaires et agents de l'Etat, la modération de l'emploi dans le secteur public, l'examen critique des projets d'investissement, la diminution des projets de transfert.

Les mesures prévues pour freiner la demande globale sont la fixation d'une limite maximale à l'expansion du crédit total, le plafonnement du crédit des Banques Centrales au secteur public et l'expansion du crédit dans l'ensemble du système bancaire.

Ces mesures de réduction de l'excès de la demande globale ne suffisent pas à éliminer le déficit public dans la mesure où celui-ci résulte surtout de la contre-performance des entreprises publiques.

La contre-performance des entreprises publiques

Plusieurs facteurs sont à l'origine de la contre-performance des entreprises publiques:

Les autorités de tutelle: En effet, celles-ci imposent aux entreprises publiques une multiplicité d'objectifs et d'obligations parfois contradictoires, les orientent vers une politique de prix et d'investissement souvent inadéquate. Par exemple le SODESUCRE n'est pas seulement chargée d'exécuter la politique de développement de la culture de la canne à sucre et, de l'industrialisation du sucre et des produits dérivés, mais a également pour mission de réduire les disparités régionales. Ces objectifs ne peuvent être atteints d'autant plus que cette entreprise est soumise au principe de la tarification ou des prix de cession.

Les décisions d'investissement et leur exécution: Ces décisions sont également à l'origine des difficultés financières rencontrées par celles-ci. C'est ainsi que dans l'exécution de son programme d'investissement, la SOTRA a été gravement affectée par les retards dans le versement des contributions de l'Etat. Par ailleurs, l'exécution de projets imprévus par la SOTRA lui a causé un déficit dans son plan de financement: en 1980, elle a dû acheter 50 bus pour desservir des zones de banlieue. Ces achats n'étaient pas prévus dans le budget d'investissement de la société; elle a donc été obligée de rechercher un financement sans préavis adéquat.

Les difficultés des entreprises publiques sont en partie liées à leur système de gestion. En effet la plupart d'entre elles ne disposaient pas jusqu'à une date récente d'un système de gestion fiable. Au niveau du CIDT, le système de gestion présente des faiblesses importantes: on relève des insuffisances dans la comptabilité des stocks et des comptes des planteurs; la comptabilité générale est tenue avec une certaine lenteur; on note également une confusion et une lenteur dans la comptabilité des

opérations avec l'Etat et les autres conventions de financement; la comptabilité analytique par opération n'existe pas.

Par ailleurs, le contrôle interne est peu ou pas effectué dans certaines entreprises. C'est ainsi qu'au niveau du PAA, des défauts ont été notés dans la vérification des dépenses de personnel et des livraisons, dans les délais de facturation des usagers (environ 3 mois) et dans la gestion et le contrôle des transactions au comptant. Les exemples de défectuosité du système de gestion peuvent être multipliés.

La contre-performance des entreprises publiques résulte aussi des charges salariales engendrées par des sureffectifs. En effet l'expansion du secteur public a généré beaucoup d'emplois. Le nombre d'emplois fournis excède souvent les besoins des entreprises publiques. Les fortes pressions exercées sur les dirigeants de ces entreprises pour qu'ils créent de nouveaux postes expliquent ces sureffectifs.

L'inconvénient majeur du sureffectif réside dans la faiblesse de la productivité du travail. La liaison négative sureffectif-productivité peut être illustrée en se référant au cas de l'EECI. Le taux de croissance des effectifs de cette entreprise a été successivement de 14% en 75/76; 13,2% en 76/77; 5,1% en 77/78; 1,9% en 78/79 et 6,5% en 79/80. Pendant les années de fortes croissances des effectifs (75/76 et 76/77), la productivité³ a chuté. Le ralentissement de l'augmentation des effectifs en 77/78 et 78/79 a permis à la productivité de croître de 8% en 1978, 11% en 1979⁴.

Voilà succinctement présenté quelques éléments explicatifs de la contre-performance des entreprises publiques. Afin que ceux-ci ne soient plus à l'origine du déficit public, des mesures ont été prises dans le cadre de la restructuration du secteur public et parapublic. Il convient maintenant de préciser les modalités de cette réforme.

Les modalités de la restructuration

On distingue trois modalités de la restructuration du secteur public et parapublic: la liquidation, la privatisation et la réhabilitation des entreprises publiques.

La liquidation des entreprises publiques

Dans le cadre de la restructuration, on a procédé à la liquidation des entreprises dont la gestion est jugée *dangereuse pour la santé économique*. Cette opération qui a consisté à dissoudre des entreprises publiques, s'est

3 L'indicateur de productivité du travail ici est le rapport production total (kwh)/effectifs totaux.

4 Kouadio Béné (1987), *La restructuration du secteur public et para-public et le marché du travail en Côte-d'Ivoire*. Genève, Institut International d'Etudes Sociales (IIES), Juin, p. 33.

effectuée dans des conditions extrêmement difficiles et a coûté des sommes considérables à l'Etat ivoirien.

Par ailleurs, elle a été réalisée en fonction de la nature des entreprises publiques.

En ce qui concerne les sociétés à participation financière publique, on distingue trois catégories de liquidations:

- la liquidation à l'amiable pratiquement sans perte: l'apurement du passif ne pose de difficultés dans l'hypothèse d'une cession correcte;
- la liquidation judiciaire avec pertes importantes assurées par les tiers;
- la liquidation supportée entièrement par l'Etat soit comme actionnaire majoritaire (respect des engagements vis-à-vis des tiers), garant (aval donné) ou tutelle coopérative.

Dans le premier groupe de liquidation, les entreprises concernées sont: Palmolive dont les actifs ont été transférés à Palmindustrie; Humuci qui a été reprise par Sitaf; Sericico; Srda; Finuma et Sociver.

Dans le deuxième groupe de liquidation pour lequel les pertes importantes ont été supportées par les tiers, on retient: Salci avec près de 10 millions de passif non couverts, Sariaci avec 3.5 milliards de pertes économiques, Afcom avec un milliard environ de perte, Applicolor (200 millions) et Mischler.

Dans le troisième groupe de liquidation, il s'agit des sociétés pour lesquelles l'Etat a supporté seul les pertes: Cofruci (2,4 milliards), Sivak (180 millions), Sobrici (140 millions), SIC (80 millions), Afriporc (aval donné à hauteur de 127 millions) et surtout Sedan Ivoire (près de 4 milliards). Au total 17 sociétés d'économie mixte ont été liquidées (tableau 1).

Quant aux établissements publics nationaux, ils sont moins concernés par les décisions de liquidation. On compte néanmoins cinq cas de liquidation: Bdi, Fgcei, Onpr, Opei, Otu.

S'agissant des sociétés d'Etat, elles sont plus touchées par la mesure de liquidation; 18 d'entre elles sont liquidées. Il s'agit: Arso, Avb, Bin, Bipt, Bnetd, Ceib, Cnbf, Forexi, Itipat, Ivoir Outils, Oshe, Pac, Socofrel, Soderiz, Sodhevea, Sonafi, Sonageci. La liquidation a concerné davantage le secteur agricole (le tiers des sociétés liquidées).

Qu'il s'agisse des EPN ou des SE, les pertes de la liquidation ont été supportées par l'Etat.

Tableau 1 - Liquidation des sociétés d'économie mixte

Société d'économie mixte	Participation publique (%)	Date de liquidation
Afcom	8.3	3/12/81
Afriporc	10.0	18/2/82
Applicolor	93.0	29/6/78
Cofruci	coopérative	27/10/75
Finuma	17.0	18/5/83
Humuci	50.0	31/12.82
Mischler	36.4	82
Palmivoire	65.1	21/1/77
Salsi	23.7	8.6.83
Sariaci	33.3	3/9/81
Sdra	100.0	20/2/80
Sedan Ivoire	59.0	18/3/81
Sericico	10.0	8/7/80
Sic	93.4	15/9/78
Sivak	50.0	20/2/80
Sobrici	75.4	28/7/78
Sociver	36.0	29/5/82

Source: Ministère de l'Economie et des Finances.

La privatisation des entreprises publiques

Selon J. Alibert, l'expression "privatisation des entreprises publiques et parapubliques" recouvre trois notions distinctes: la dénationalisation, la désétatisation et la déréglementation⁵.

A ces trois notions de privatisation, il est possible d'associer trois modalités de privatisation.

La première consiste à privatiser le capital de l'entreprise publique. Cette privatisation qui est partielle ou totale, est la forme la plus pratiquée puisque l'Etat détient une importante participation financière dans les sociétés privées. En effet, l'Etat intervenait dans 17 sociétés avec une participation financière de 17,6 milliards de FCFA; il détenait 56,6% des actions de ces entreprises. La Sonafi⁶ possédait 73 participations pour un montant global de

5 A. Alibert (1987), "La privatisation des entreprises publiques en Afrique noire francophone". In *Afrique contemporaine* No. 143 p. 33.

6 Créé en 1963, cet organisme étatique avait pour but de réaliser l'ivoirisation du capital et de suppléer temporairement à l'épargne privée en constitution; il a été dissout en 1980.

13,1 milliards de FCFA. Ces participations représentaient 33,9% du capital social de ces entreprises.

Une partie de ces participations financières de l'Etat a été transférée à l'actionnariat privé à partir de 1980. Ce transfert se poursuit toujours, il n'est pas possible de dresser la liste exhaustive des entreprises concernées. On peut toutefois citer: Forexi, Sogixi, Trituraf, Icto-Voyages, Ceram-Anten, Socageci, Ivoire Conseil, Sotropal, Bnec, Ietho, Saho, Shac, Sideco, Salci-Ono.

Cette privatisation partielle ou totale du capital concerne tous les secteurs de l'activité économique.

La deuxième revient à privatiser la gestion de l'entreprise publique. L'Etat en étant propriétaire du patrimoine de l'entreprise, confie sa gestion au secteur privé. On rencontre cette forme de privatisation dans l'agriculture (Saph, Sogb) et dans les transports (Sotra).

La troisième variante de la privatisation prévoit une diminution de la part relative de l'Etat dans les sociétés d'économie mixte par une non-participation aux augmentations de capital décidées par l'ensemble des autres actionnaires. On peut citer les cas Cosmivoire et Sosuhv.

La réhabilitation des entreprises publiques

Les entreprises qui n'ont pas été dissoutes ou privatisées, ont été réhabilitées. La réhabilitation a consisté à prendre des dispositions visant à renforcer le contrôle des entreprises publiques et à améliorer leur système de gestion et de programmation. Il a été également question de faire changer de statut à certaines entreprises publiques. C'est ainsi que de nombreuses sociétés d'Etat sont devenues des Etablissements Publics Nationaux. Exemple: Sodifor, Onfp, Setu, Motoragri, etc.

La réhabilitation a engendré la réorganisation des EPN à partir de deux textes fondamentaux: la loi No. 80-1070 du 13 septembre et le décret No. 81-137 du 18 février 1981 portant régime financier. Cette réorganisation a abouti à la classification des EPN en deux catégories: les Etablissements Publics à caractère administratif (EPA) et les Etablissements Publics à caractère Industriel et commercial (EPIC). De ce fait, en 1980, on comptait 36 EPA et 16 EPIC.

En définitive, la réhabilitation a consisté à étatiser les entreprises publiques dans la mesure où celles-ci sont contrôlées et gérées par l'Etat. Leurs politiques d'emploi et de salaires sont nettement déterminées par ce dernier.

L'ensemble des mesures prises en vue d'une efficacité et d'une productivité des structures étatiques et d'une allocation optimale des ressources affecte l'évolution de l'emploi du secteur public et parapublic.

L'évolution de l'emploi après la restructuration

Le taux de croissance de l'emploi était remarquable: 7% par an au cours des décennies 1960-70 et 1970-80. Depuis 1980, la capacité d'absorption en main-d'oeuvre du secteur moderne s'est considérablement réduite. Les mesures prises dans le cadre de la restructuration sont sans aucun doute à l'origine de la restriction du volume de l'emploi dans l'économie moderne. Il convient de ce fait de mettre en évidence les déterminants de l'évolution de l'emploi du secteur public et de spécifier les entreprises et les branches les plus concernées par cette évolution.

Les déterminants de l'emploi du secteur public

Un ensemble de mesures institutionnelles et conjoncturelles détermine l'évolution de l'emploi du secteur public depuis 1980. Il s'agit de nouvelles procédures d'embauche, du recensement et de la programmation des effectifs de la fonction publique, de l'application de l'âge limite statutaire et de la liquidation des entreprises publiques.

Les nouvelles procédures d'embauche

L'Etat en tant qu'employeur, accroît ses exigences en ce qui concerne le niveau d'instruction requis pour accéder à l'emploi; par sa nouvelle politique, il accélère le phénomène du *filtering-down* puisque des agents de niveau BAC occupent des postes n'exigeant que le BEPC voire même le CEPE.

Cette nouvelle allocation des diplômés a engendré d'une part l'accroissement de l'effectif des agents à niveau supérieur et d'autre part la réduction du nombre des agents à niveau inférieur. Cette nouvelle tendance est perceptible dans le tableau 2. Selon les données de ce tableau, de 7,84% en 1980 la part des agents de la catégorie A (catégorie supérieure) est passée à 13,59% en 1984. Il en est de même pour la catégorie B (catégorie moyenne) qui a vu son pourcentage de variation passer de 24,99% en 1980 à 28,49% en 1984. Par contre, on observe une diminution relative des catégories C et D (catégories inférieures); pour la catégorie D, 28,94% en 1980 contre 21,96% en 1984. Ce glissement catégoriel est une preuve manifeste de la modification de la politique d'embauche dans le secteur public.

Dans la recherche de l'efficacité du secteur public, d'autres mesures sont appliquées; il s'agit du recensement des agents de l'Etat et la programmation des postes.

Le recensement des agents et la programmation des recrutements

Pour gérer efficacement les fonctionnaires, le ministre de la fonction publique a procédé au recensement des agents de l'Etat effectivement en service. Le résultat de cette enquête effectuée en 1984 a indiqué qu'il y avait

près de 4000 fonctionnaires fictifs. Un autre recensement est prévu pour 1990.

Tableau 2 - Glissement catégoriel ou évolution des pourcentages par catégories de fonctionnaires et agents de l'Etat

Années	Catégories				Total
	A	B	C	D	
1975	6,34	19,41	37,97	36,28	100
1976	6,90	20,20	39,09	33,81	100
1977	7,50	22,44	38,56	31,50	100
1978	7,84	22,98	39,48	29,70	100
1979	7,79	25,27	37,78	29,16	100
1980	7,84	24,99	38,23	28,94	100
1981	8,82	26,39	40,95	23,84	100
1982	9,38	27,47	39,40	23,75	100
1983	10,22	26,97	38,82	22,99	100
1984	13,59	28,49	35,96	21,96	100

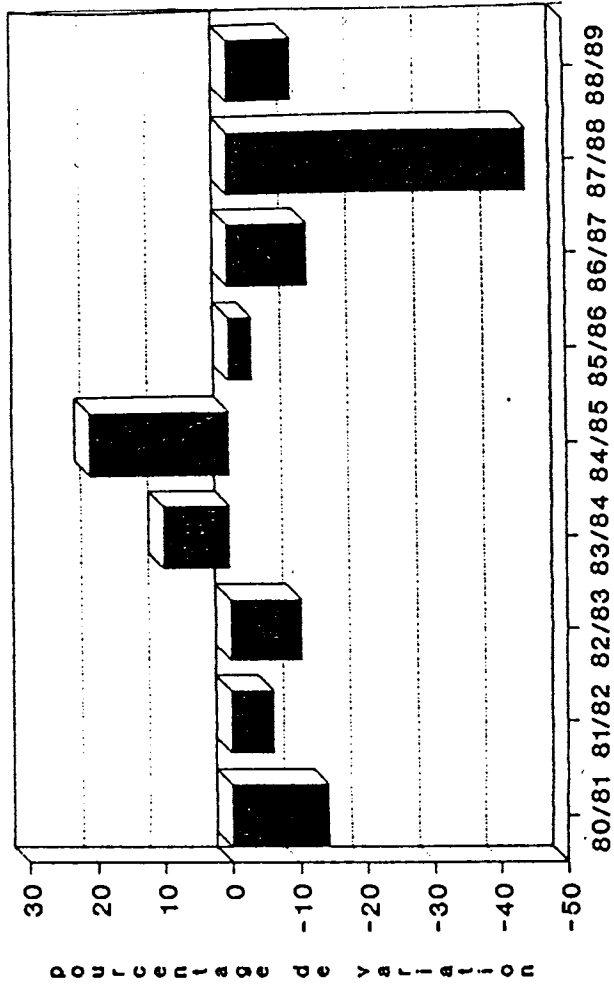
Source: Budget Général de fonctionnement.

Par ailleurs on a instauré la programmation des recrutements de la fonction publique⁷. C'est ainsi que désormais l'effectif des agents à recruter est fonction des postes budgétaires ouverts dans chaque ministère avec l'approbation du ministère de la fonction publique. La programmation des recrutements a pour objectif de freiner la croissance des effectifs dans l'administration. La Fig. No. 1 qui met en évidence l'évolution des recrutements depuis le début de la restructuration, confirme l'hypothèse ci-dessus. En effet on constate une réduction très importante des recrutements (-44,3% en 87/88) depuis 1980. Dans un tel contexte, les années 83/84 et 84/85 ont été favorables au recrutement. Le recrutement massif des diplômés universitaires (maîtrisards) explique la croissance du pourcentage de variation au cours de ces deux périodes: 9% pour la première et 20,8% pour la seconde.

L'une des décisions pour *dégraissier* les effectifs de l'administration est l'application de la limite d'âge statutaire pour être admis à la retraite.

7 C'est la direction de la programmation et des effectifs du Ministère de la fonction publique qui s'en occupe.

FIG. 1: EVOLUTION DES RECRUTEMENTS
DANS L'ADMINISTRATION



Les départs à la retraite

Avant 1982, la limite d'âge statutaire pour être admis à la retraite fixée à 55 ans pouvait être reculée pour un certain nombre d'agents:

- les fonctionnaires de la catégorie A échelle 1,
- les cadres de l'enseignement supérieur,
- les magistrats,
- les agents comptables,
- les enseignants,
- les agents ayant 1 à 3 enfants mineurs à charge,
- les agents ayant accompli 28 ans de service sans pouvoir bénéficier d'une pension d'ancienneté.

Le recul d'âge n'est plus applicable aux quatre dernières catégories depuis le 8 décembre 1982. La conséquence immédiate d'une telle décision est le départ massif des agents à la retraite; 2.478 en 1983, 1980 en 1984 et 1.412 en 1985. A partir de 1986 les départs à la retraite sont moins importants que les trois précédentes années puisque le nombre d'admission à la retraite est déflaté de l'effet de la mesure du 8 décembre 1984; 803 en 1986; 1.012 en 1987 et 944 en 1988.

L'application de la limite d'âge statutaire réduit dans une certaine mesure l'augmentation des effectifs de l'administration et crée des postes budgétaires pour les jeunes diplômés.

Le principal déterminant de l'évolution de l'emploi du secteur public est sans aucun doute la liquidation des entreprises publiques.

La liquidation des entreprises publiques

La restriction du volume de l'emploi dans le secteur public et parapublic résulte principalement de la liquidation des entreprises publiques. En effet la dissolution de 18 sociétés d'Etat et de 6 EPN a engendré le licenciement de 10.679 personnes dont 9.209 sont issues des sociétés d'Etat.

Comme l'indique le tableau 3 (a), les sociétés d'Etat à vocation agricole ont effectué un important licenciement lors de leur dissolution. En effet 2034 licenciés proviennent de la Soderiz, 1.655 de l'Avb et 1.225 de l'Arso. Le licenciement de ces trois entreprises à caractère rural représente 53,4% de l'effectif total des licenciés des sociétés d'Etat.

Les secteurs de distribution (Pac) et de travaux publics (Sonageci) sont aussi concernés par le licenciement massif, 2.096 licenciés sont issus de ces deux sociétés d'Etat: 1.046 pour Pac et 1.049 pour Sonageci.

Au niveau des EPN, deux entreprises publiques à vocation agricole (Ocpa et Onpr) viennent en tête du licenciement. Leur licenciement représente 86% de l'effectif total des licenciés de cette catégorie d'entreprises publiques (tableau 3-b).

Tableau 3 (a) - Liquidation des sociétés d'Etat

Société d'Etat	Date de liquidation	Effectif initial	Effectif au 15/2/84
ARSO	19/9/80	1.225	0
AVB	19/9/80	1.655	0
BIN	19/8/80	11	0
BITP	10/6/81	176	0
BNETD	5/11/77	641	0
CEIB	7/8/80	25	0
CNBF	16/3/83	147	17
FOREXI	9/6/82	200	0
ITIPAT	7/8/80	57	0
IVOIR-OUTILS	27/12/79	150	0
OSHE	1/1/78	-	-
PAC	16/7/80	1.046	-
SICOFREL	26/1/78	0	
SOCATCI	7/10/77	15	0
SODERIZ	7/10/77	2.034	0
SODHEVEA	31/12/72	262	0
SONAFI	20/8/80	37	0
SONAGECI	18/3/81	1.040	0
Total		9.209	24

Source - Ministère d'Etat chargé de la réforme des sociétés d'Etat.

Tableau 3 (b) - Liquidation des établissements publics nationaux

Etablissements publics	Date de liquidation	Effectif initial	Effectif au 15/2/84
BDI	22/6/82	29	0
FGCEI	18/2/81	19	0
OCPA	17/7/82	853	4
ONPR	15/7/81	436	0
OPEI	4/4/82	161	0
OTU	18/1/84	-	-
Total		1.498	4

Source: Ministère d'Etat chargé de la réforme des sociétés d'Etat.

Le licenciement massif réalisé par les sociétés d'Etat et les EPN a engendré une régression de l'emploi dans le secteur public et parapublic.

L'évolution de l'emploi

L'ampleur de cette régression varie selon la nature des entreprises publiques et les branches.

l'évolution de l'emploi selon la nature des entreprises publiques

On distingue trois catégories d'entreprises publiques⁸:

- les entreprises totalement publiques (totalement Pc.): Cette catégorie comprend les sociétés d'Etat et les EPIC: on en dénombre 33 dont 7 SE et 26 EPIC;
- les entreprises à capitaux publics majoritaires (Kx. Pc. Maj.): on retrouve dans cette catégorie, les entreprises dont plus de 50% du capital social appartient à l'Etat. Elles sont au nombre de 102;
- les entreprises à capitaux publics minoritaires ou encore à capitaux privés majoritaires (Kx. Pv. Maj.): on regroupe ici les entreprises dont la participation financière de l'Etat est inférieure à 50% et les entreprises entièrement privées.

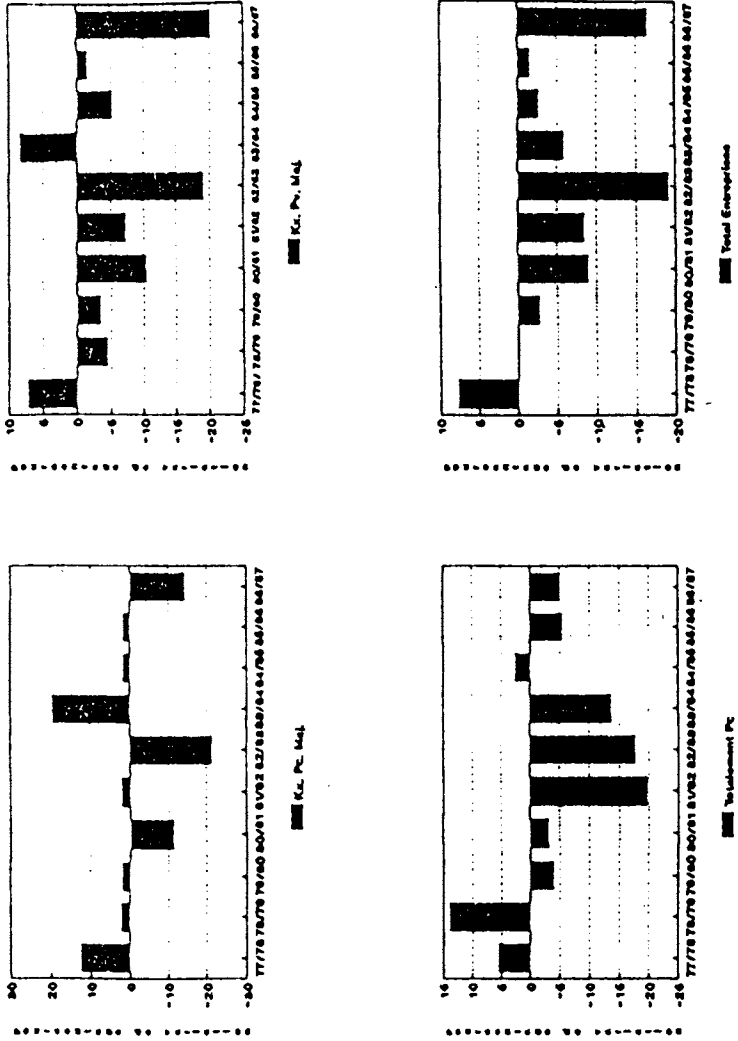
L'évolution des effectifs par entreprises (Fig. 2) indique que le système de création et de perte d'emploi n'est pas identique pour toutes les trois catégories d'entreprises. A l'exception des années 80/81, 82/83 et 86/87, les entreprises à capitaux publics majoritaires ont connu un taux de croissance positif d'emploi. A l'inverse les entreprises à capitaux privés majoritaires et les entreprises totalement publiques ont enregistré très peu de création d'emploi, les autres années se caractérisent par des pertes d'emploi considérables: - 19,2% en 82/83 pour les entreprises à capitaux privés majoritaires et - 19,7% en 81.82 pour les entreprises totalement publiques.

On remarque également que les entreprises, toutes catégories confondues, ont perdu des emplois depuis la mise en application de la restructuration. Cette restriction du volume de l'emploi a été particulièrement remarquable en 82/83: - 21,3% pour les entreprises à capitaux publics majoritaires; - 19,2% pour les entreprises à capitaux privés majoritaires et - 17% pour les entreprises totalement publiques.

Il est à noter enfin qu'à l'exception des entreprises totalement publiques, les deux autres catégories d'entreprises ont enregistré un taux de croissance positif d'emploi en 1983/84. Bien que cette tendance se poursuive au niveau des entreprises à capitaux publics majoritaires, il est illusoire d'espérer une amélioration de la situation de l'emploi dans la mesure où les données provisoires de 1987 indiquent le contraire: - 14,3% pour les entreprises à capitaux publics majoritaires; - 20,1% pour les capitaux privés majoritaires et - 5% pour les entreprises totalement publiques et - 16,4% pour l'ensemble des entreprises.

8 Cette distinction est celle de la Banque des données financières.

FIG. 2: EVOLUTION DES EFFECTIFS PAR ENTREPRISES



Evolution de l'emploi selon les branches

L'analyse la plus significative de l'évolution de l'emploi est celle qui concerne les branches dans lesquelles la participation de l'Etat est importante. Il s'agit notamment des branches "Agriculture", "Energie-Eau-Gaz", "Transports et Communication" et "Bâtiments et Travaux Publics". L'évolution de l'emploi dans ces quatre branches n'est pas homogène (Fig. 3).

En ce qui concerne l'*Agriculture*, il y a alternance de croissance et décroissance du volume de l'emploi. La chute des effectifs de cette branche s'explique par des chocs extérieurs tels que l'effondrement des cours des matières premières (caoutchouc, café, cacao), et des décisions internes en l'occurrence la liquidation des entreprises publiques à vocation agricole. C'est ainsi que la perte d'emploi dans l'agriculture en 1977 résulte sans aucun doute de la dissolution des sociétés d'Etat (Soderiz, Socatci, Socofrel), des Etablissements Publics (Ocpa, Onpr) et de sociétés à participation financière publique (Palmivoire).

Dans la branche *Energie-Eau-Gaz*, l'Etat a une importante participation financière dans l'énergie. A l'exception des années 78/79 et 80/81, le volume de l'emploi s'est accru dans cette branche. On note toutefois que depuis 1980, le rythme de croissance de l'emploi s'est affaibli comparativement à ce qu'il était avant la réforme: 13% en 75/76, et 12% en 76/77, et 9,8% en 77/78. Une telle évolution pourrait signifier que la politique d'austérité a freiné la croissance des effectifs de cette branche.

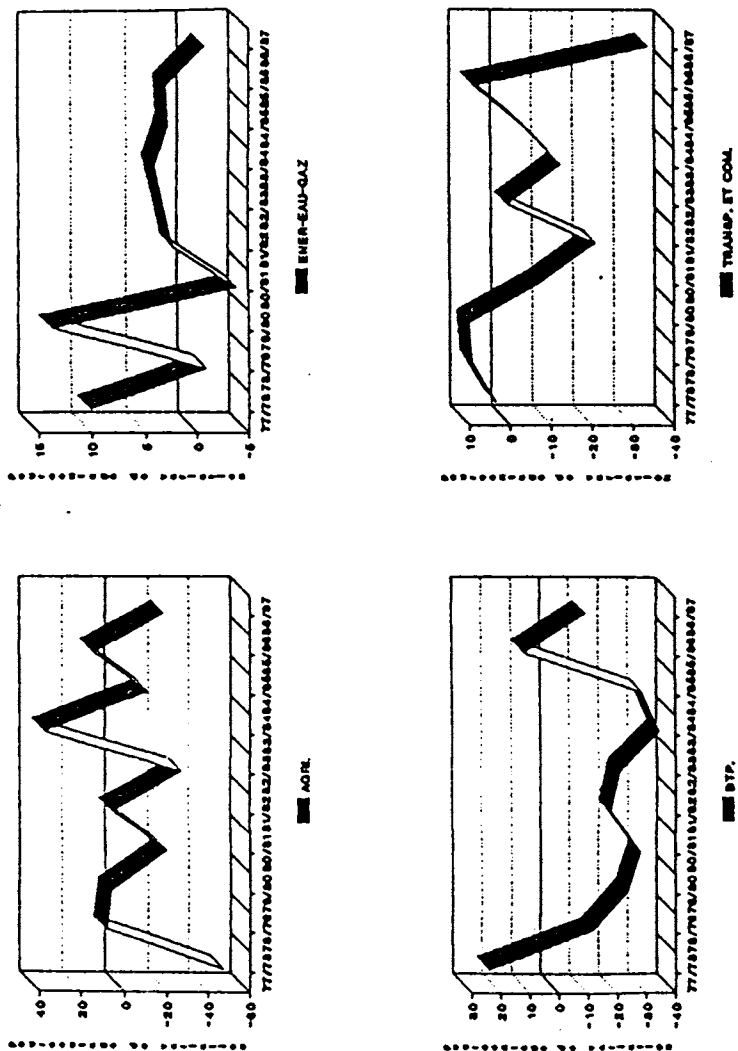
Les *Bâtiments et Travaux Publics* qui reçoivent une grande partie des investissements publics, connaissent une hémorragie d'emplois depuis que l'Etat a restreint ses investissements dans ce secteur, plus particulièrement en 83/84.

En ce qui concerne la branche *Transports et Communication*, elle est le prototype même des branches affectées par la restructuration. Avant la réforme de 1980, son pourcentage de variation était toujours positif; depuis cette date cette branche connaît une diminution sensible de ses effectifs: - 21,6% en 81/82.

La figure 3 indique par ailleurs que l'évolution de l'emploi a été favorable en 85/86 dans toutes les branches, il est à noter toutefois que les données provisoires de 1987 ne confirment pas cette tendance: - 19,8% pour l'agriculture, - 1,1% pour l'énergie-Eau-Gaz, - 10,50% pour les BTP et - 34,50% pour les Transports et Communication.

L'analyse qui vient d'être faite montre clairement que l'ampleur des effets de la liquidation des entreprises publiques sur l'évolution de l'emploi varie selon la nature des entreprises publiques et les branches.

FIG. 3: EVOLUTION DES EFFECTIFS PAR BRANCHES



Conclusion

La contre-performance des entreprises publiques qui résultent d'une politique de prix et d'investissement inadaptée, d'un système de gestion peu fiable, d'une gestion du personnel inappropriée, ont engendré le déficit du secteur public et parapublic.

Le déficit public a amené l'Etat ivoirien sous l'égide de la Banque Mondiale et du FMI, à restructurer ce secteur. La restructuration a consisté à liquider des entreprises publiques (17 SEM, 6 EPN, 18 SE) dont la gestion a été jugée catastrophique, à privatiser certaines d'entre elles. La réhabilitation, l'une des trois modalités de la restructuration, a débouché sur le changement de statut de nombreuses sociétés d'Etat; elles sont devenues des EPN.

Toutes ces mesures destinées à réduire le déficit public à rendre les structures étatiques plus efficaces et plus productives, ont eu un impact considérable sur l'évolution de l'emploi du secteur public et parapublic.

En effet, la liquidation des entreprises publiques a restreint le volume de l'emploi: plus de 10000 licenciés. Le licenciement massif des employés concerne davantage les sociétés d'Etat et les EPN du secteur agricole et aussi les secteurs de la distribution et des travaux publics.

L'analyse de l'évolution de l'emploi selon la nature des entreprises publiques et selon les branches indique que les entreprises à capitaux privés majoritaires (ou les entreprises à capitaux publics minoritaires) et les entreprises totalement publiques sont les plus touchées par la restriction du volume de l'emploi; les branches concernées par l'énorme perte d'emplois sont celles qui reçoivent une importante participation de l'Etat. Il s'agit de l'Agriculture, des Bâtiments et Travaux Publics et des Transports et Communication.

La restructuration du secteur public et parapublic suscite actuellement deux inquiétudes. Au niveau des effets, nous venons de montrer qu'elle a contribué à la dégradation de la situation de l'emploi depuis 1980. De ce fait, elle a occasionné des phénomènes nouveaux tels que le chômage des diplômés et l'allongement de la durée du chômage. Au niveau du principe, on s'interroge aujourd'hui sur l'opportunité de la privatisation. En effet, la privatisation en tant que l'une des modalités de la restructuration, présente des limites objectives liées à des blocages internes. L'insuffisance des ressources financières et le manque *d'entrepreneur schumpeterien* ont quelque peu freiné le mouvement de désengagement de l'Etat qui devrait essentiellement profiter aux privés nationaux.

Ces inquiétudes ainsi exprimées induisent la question suivante: "peut-on se passer du secteur public, dans le processus d'industrialisation"⁹.

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9 J. de Bandt (1988), "Peut-on se passer du secteur public, dans le processus d'industrialisation?". In *Revue Tiers Monde*, t. XXIX, No. 115, Juillet-septembre, p. 929.

Glossaire des principaux sigles utilisés

Arso	: Autorité pour l'Aménagement de la Région du Sud-Ouest
Avb	: Autorité pour l'Aménagement de la Vallée du Bandama
Bdi	: Bureau de Développement Industriel
Bnec	: Banque Nationale d'Épargne et de Crédit
Bnetd	: Bureaux Nationaux d'Études Techniques et de Développement
Bni	: Bureau ivoirien de Normalisation
Ceib	: Centre d'Exploitation Industrielle du Bétail
Cnbe	: Centre National des Bureaux de Fret
Epa	: Etablissements Publics à caractère administratif
Epic	: Etablissements Publics à caractère industriel et commercial
Epn	: Etablissements Publics Nationaux
Fgcei	: Fonds de Garantie des Crédits aux entreprises Ivoiriennes
Forexi	: Société pour la réalisation des forages, d'exploitation en Côte-d'Ivoire
Humici	: Humus de Côte-d'Ivoire
Icta	: Ivory Coast Travel Agency
Iitpat	: Institut pour la Technologie et l'Industrialisation des Produits Agricoles Tropicaux
Motoragri	: Société pour le développement de la Motorisation de l'Agriculture
Ocpa	: Office de Commercialisation des Produits Agricoles
Onfp	: Office National de la Formation Professionnelle
Onpr	: Office National de Promotion rurale
Opei	: Office National de Promotion de l'entreprise Ivoirienne
Opt	: Office des Postes et Télécommunication
Oshe	: Office pour le soutien de l'Habitat Economique
Paa	: Port autonome d'Abidjan
Pac	: Programme d'Actions Commerciales
Salci	: Société des ananas de Côte-d'Ivoire
Saph	: Société des Plantations d'hévéas
Sdra	: Société pour le Développement de la Riviera Africaine
Setu	: Société d'Équipement des Terrains Urbains
Sic	: Société Ivoirienne de Cinéma
Sicofrel	: Société Ivoirienne pour la Commercialisation des Fruits et Légumes
Sietho	: Société Ivoirienne d'entreprise Touristique et Hôtelière
Sobrici	: Société des Briqueteries de Côte-d'Ivoire
Socatci	: Société des Caoutchoucs de Côte-d'Ivoire
Sodefor	: Société de Développement des Plantations Forestières
Soderiz	: Société de Développement de la Riziculture
Sodesucre	: Société pour le Développement des Plantations de Canne à sucre, l'Industrialisation et de Commercialisation du sucre
Sodhevea	: Société de Développement d'Hévéa
Sogb	: Société de Caoutchouc de Grand-Béréby
Sonafi	: Société Nationale de Financement
Sonageci	: Société Nationale de Génie civil
Trituraf	: Société ivoirienne pour la Trituration des Graines oléagineuses et le Raffinage d'Huile végétale.

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Multilingualism and Problems of Choice of Indigenous Official Language in the West African Sub-region

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Résumé: A partir des années 50 le préjugé contre les langues locales étaient considérées primitives et indignes d'une analyse et d'une étude scientifiques, a commencé à céder la place à un intérêt qui se témoignait à ces langues et qui allait grandissant. Le problème de choix d'une langue officielle locale dans un environnement multi-lingue n'est pas un problème facile à résoudre. Le choix et la planification de la langue, ainsi que leurs conséquences, sont tels qu'il convient de prendre les décisions avec la plus grande prudence. Est-il souhaitable de promouvoir au plus haut niveau toutes les langues de la sous-région? Cette option est-elle faisable? Chaque pays peut-il survivre en tant que unité socio-politico-économique, avec toute cette multitude de langues et dialectes très développés? Des facteurs tels que la structure de la langue, le climat socio-politique, de même que les différents besoins de pays particuliers nécessiteront des solutions différentes. Au regard de la complexité socio-économique et politique qui doit informer le choix de la politique de langue, sa planification demande une équipe pluri-disciplinaire soucieuse de préserver l'intérêt national d'un pays donné au-delà des considérations personnelles et ethniques.

Introduction

One does not need more than a cursory look at the linguistic map of the West African sub-region to be struck by the multiplicity of languages spoken in the area. History has implanted French, English and Portuguese in this Sub-region such that, irrespective of the existence of a great number of indigenous linguistic communities, some of whom, like the Yoruba, the Wolof, the Hausa and the Mande communities are relatively large, we have formed the habit of talking about Francophone, Anglophone and Lusophone West Africa as if the three corresponding European languages are the most widespread languages in the sub-region. In fact habits die hard, we therefore intend retaining those very terms in our paper, while referring to native West African languages as local or indigenous languages without any pejorative connotation; we shall also call such languages L1 in respect of those for whom they are mother tongues, and L2, L3 or L4 for those who speak them as second, third or fourth languages. French, English and Portuguese will be

L2, for nationals of former French, British and Portuguese colonies, respectively.

In this paper we shall examine briefly the status of local West African languages during the colonial area, their richness and power of adaptability, the linguistic decolonization movement and, without forgetting to touch on the reality of the linguistic situation, we shall propose some criteria for the choice of indigenous official languages.

Colonial Policy with Respect to Local Languages and its Effect

Some 25 years ago, studies conducted in Senegal revealed that though the Wolof ethnic group represented only 36% of the population, the language was spoken by about 90% of young Senegalese and that it was only 12% of Senegalese who had declared being able to read and write French¹. This reality where the number of those literate in the L2, is small in relation to that of speakers of some indigenous language, is still true to-day of many areas in the sub-regions; for example, Hausa continues to spread not only in the Moslem areas of Nigeria but also in the essentially Moslem areas of a number of countries to the West of Nigeria. In Ghana, Akan is spreading throughout the country.

The 3 European languages in the sub-region enjoyed an enormous prestige, not in relation to the number of its speakers, but particularly in relation to the linguistic policies of the colonizers, the level of development of those languages and the socio-economic status they conferred on those who use them fluently. As a rule, the Anglo-Germanic powers tended to encourage the use of local languages in their colonies and the Latin powers the diffusion of their own languages². According to the French policy of assimilation:

*only one language is taught in the schools, recognized in law courts, and used in administration; French... All other languages belong to the realm of folklore... and are signs of disintegration of the French Republic*³.

Consequently the study at school of local languages, which would lead to their development, was, on no account, to be encouraged in the former French territories. This position was confirmed in unequivocal terms in 1944 at the Brazzaville Conference where it was declared that instruction must be

1 Houis, M. 1971, *Anthropologie linguistique de l'Afrique Noire*, Paris PUF, p. 196.

2 Alexandre, P. 1972, *An Introduction to Language in Africa*, London, p. 77.

3 Alexandre, P. 1972, *Ibid.*

given in French, the use of local dialects in teaching was strictly forbidden in private as well as public schools⁴.

Students who dared to use a word of their own language at school were punished by making them carry around their necks or on the chest a disgraceful showcard indicating their "offence". The direct result of such a policy is no surprise to anybody:

Today, many literate Africans in former French territories know more French and have imbibed more of the French culture than they know their own language and cultures⁵.

Similarly the use of local languages in official interactions and at school was forbidden in the former Portuguese colonies. Thus the African child went to school with a specific language and therefore cultural heritage which, within the confines of the school, were totally disregarded⁶.

But the picture was different in the former British colonies: in general the British Government accepted the use of indigenous languages in West African schools; in some respects Britain even encouraged the development of those languages by training in her universities, eminent British scholars like R.C. Abrahm, John Spencer, J.S.W. Spencer, P. Currey, I.C. Ward and D. Westerman, interested in African languages and cultures, and by proposing such languages as secondary school leaving examination subjects, at least in Ghana since 1931⁷. As far as the use of local languages in African education was concerned, Britain proposed two principles; the first is that "when possible education should begin in the language of the tribe or sub-tribe, that is to say, in the mother tongue"⁸. This directive though straightforward, often proved difficult and sometimes impossible to apply, where a single school served a multilingual zone without a single dominant language. So in some cases, in the face of the least difficulty the local language was brushed aside especially in non-missionary schools, with the complicity of some influential indigenous people. Some of their arguments were, that after all the majority of West Africans were going to school in order to avoid manual or agricultural work in future; and those new employment perspectives were open only to those who knew how to read and write in the language of the colonizer. Thus on the linguistic plane what mattered to many administrators on the spot and many Africans, was

4 Hargreaves, J. D. 1969, *France and West Africa*, London: Macmillan, p. 238.

5 Awoniyi, T.A., 1982, *The Teaching of African Languages*, London: Hodder and Stoughton, 1982, p. 23-24.

6 Houis, M., 1971, *op. cit.*, 1971, p. 196.

7 Awoniyi, T.A., 1982, p. 24, *op. cit.*

8 Hussey, E. R. J., 1932, "The Language of Literature in Africa", *Africa* 5 p. 169.

knowledge of the European language perceived as a sign of enlightenment and modernity.

*The second principle is that except where the mother tongue is a widely spoken and developed language, there should be introduced during the elementary school period a second language which is capable of developing a literature and is spoken over a wide area*⁹.

It is obvious that the second directive was a little vague. That made it easy for it to be conveniently interpreted by some people as an implicit or subtle proposition to forget the indigenous languages and introduce the colonizer's or another European language. We can say therefore that despite the relatively favourable disposition of Britain towards the use of African languages in education, the application of her two language directives depended largely on the administrators, their African collaborators and to some extent on the linguistic environment.

The majority of the colonial administrators considered the local languages as too inferior to English and in cases where a number of such administrators allowed the use of local languages, it was only meant to be taught up to a level which would enable the African to read the Holy Bible¹⁰. For example, in his report to the British Colonial Office, Mr. Metcalfe Sunter, first British Inspector of Schools in Anglophone West Africa wrote:

*I consider those languages as interesting only to the comparative philologist and never susceptible to attain practical utility in civilization, at least as far as possible interests of Great Britain are concerned*¹¹.

And in his memorandum to the same office in 1949 on "The Vernaculars of Africa and their Future", Mr. D.P. Abraham also hostile to the use of local languages in education, like Sunter above, stated the following specifically about the Twi language of the Gold Coast (presently Ghana):

In the Gold Coast expense and time are involved in the attempt to unify the Twi dialects. If the same energy had been devoted to the rapid and efficient propagation of both spoken and written English throughout the

9 Hussey, 1932, op. cit. p. 169.

10 Ajayi, 1976, *Christian Missions in Nigeria: 1841-1891*. London Longmans Green and Co., 1965, quoted by Obiri, J. O. O. "Preparation of the Secondary School Mother Tongue Teacher, *West African Journal of Education*, 20 No. 1, 1976, p. 76.

11 Wise, Apud C. C., 1956, *A History of Education in British West Africa*, London: Longmans Green and Co. p. 22.

*Colony during the period we have been installed there, this problem of unification would never have arisen...*¹²

These quotations clearly show that there were occasions when the development of local languages was officially encouraged by the Home Government much to the dislike of some people in high positions in the colonies; but in spite of the unsystematically uniform application of the two British directives relating to the use of local languages in education in the former British territories, it is undeniable that Britain did much more for the development of local languages than its French and Portuguese counterparts.

But because mastery of an indigenous language alone did not and still does not warrant any social advancement in life, African languages were relegated to the background and almost exclusively reserved for the masses; besides where adult literacy in those languages was encouraged the target groups did not always perceive very clearly the functional basis and the cultural reasons for such literacy drives. In addition they were even surprised to be made literate in a local language while schools taught their children in French, English or Portuguese, leading at least to the procurement of some employment¹³.

Those colonial administrators who despised local languages succeeded in "poisoning" the minds of many Africans in relation to their own languages, considered as uncouth and primitive and unworthy of scientific analysis and study. The resultant inferiority complex that set in has marked many nationals even today, over a quarter of a century after independence, from colonial rule; some educated nationals, for fear of being labelled, among others, as uncivilized, unenlightened or uncultured, still look down upon indigenous languages¹⁴. We find even today Africans who prefer using a foreign language at home though the couple may belong to the same linguistic community; there are still today African parents who teach their children the colonial language prior to exposing them to the indigenous languages. Furthermore many highly placed nationals especially from minority linguistic communities, who go about promoting without any circumspection and without taking into account the level of development or the potential of other local languages, that it is only the colonial language which is fit to be retained as an official language.

12 Asamoah, E.A., 1955, "The Problem of Language in Education in the Gold Coast", *Africa*, 25 pp. 63-64.

13 Houis, M., 1971: op. cit. p. 194.

14 Awoniyi, T. A., 1982: p. 25, op.cit.

Modern linguistics affirms that there is nothing like "primitive" languages, that almost all languages reveal a high level of subtlety, flexibility and complexity¹⁵. And according to UNESCO there is nothing in the structure of any language which precludes it from becoming a vehicle of modern civilization¹⁶. In fact many languages which did not have a vocabulary adequate to the needs of higher and, especially, technical education. Some, like the Arabic, the Hungarian, the Finnish and the Estonian made up the deficiency by undertaking planned vocabulary expansion programmes¹⁷. West African linguistic communities can do likewise in addition to adopting other forms of vocabulary enrichment procedures.

Richness and Power of Adaptability of African and some European Languages

The status of many African languages during the colonial era could be likened to that of French, Italian and English for example, at the end of the Middle Age when those languages were in fact considered more or less as vulgar dialects for peasants to use in discussing the price of livestock¹⁸. Culturally therefore, they were considered far inferior to the almighty and highly respected Latin. Later on however, they too became very rich and subtle, and even succeeded in dethroning Latin from its lofty position and becoming a *lingua franca* in their respective countries. Many factors contributed to that situation.

In the case of the French language for example, let us note very briefly, among others, the following four factors: direct royal intervention, the reformation, literature and word borrowing. In 1539, the Villers - Cotterets Ordinance of Francais stipulated that, in order to avoid difficulties of interpretation, all arrests and other proceedings would be pronounced, recorded and delivered to the parties concerned in French, their first language.

The Reformation also made its contribution: the reformed Christians wanted the religious books published in French. Thus in 1523 the *New Testament* was printed in French, and twelve years later the entire *Bible*. In 1541 Calvin 'a French Reformation Movement leader' had his *Institution of*

15 Verbeke, R., "Problems Concerning the Choice of Vernacular Languages", *Présence Africaine*, 32, No. 60, 1966 p. 103.

16 Bull, W. E., 1964, Review of "The Use of Vernacular Languages in Education" (*UNESCO Monographs on Fundamental Education*", No. 8, 1953) Hymes. D. ed. *Language in Culture and Society*. London: Harper and Row Publishers, p. 528.

17 Bull, W. E., 1964, *Ibid.* p. 528.

18 Verbeke, R., 1966: *op. cit.* p. 104.

the Christian Religion published in French after its original Latin publication in 1536.

In fact the role that literature played in popularizing the use of French was very significant. Particularly noteworthy were the publications of the great Pleiade Poetic School, with Ronsard, du Bellay and others; important translations of ancient authors like Amyet's *Plutarque* translated into French from Greek in 1559, Montaigne's *Essays*, Rabelais' *Pantagruel* 1532 and *Gargantua*, 1534¹⁹.

Bull cites a UNESCO study which argued that, all actively spoken languages, including English, French, German and Japanese, respond to new situations in relation to vocabulary in the same way:

*by word borrowing, by coinage, by giving new meanings to existing words, by extending the meaning of existing words, or by compounding new words from existing material taken either from the language or from it and some other tongue*²⁰.

We shall now look at a few examples of word borrowings in French with the original sources of the words.

Source	Borrowing
Celtic	alouette
German	bière, boulevard, halte
Spanish	bizarre, adjudant, camarade
Latin	oculaire, père, grand, sang, long
Italian	balcon, colonel, banque
Greek	philosophie
Arabic	café ²¹ .

An ever increasing number of studies reveal the richness of African languages in vocabulary, morphology and syntax, their easy adaptability and varied possibilities of expression. According to Senghor:

One finds ten words to describe the same object, according to when it changes its form, its volume, its weight, its colour and its use..."
(*U'Tam'si*, 1964: 164).

Vincent Monteil quotes Amadou Hampate Ba who estimates as 60,000 the number of derivatives theoretically possible from some 3000 word roots

19 Cohen, M., 1967, *Histoire d'une langue: le Français*. Paris, Editions Sociales, pp. 159-161.

20 Bull, W. E. 1964: op. cit. p. 530.

21 Galichet, G., 1964, *Physionomie de la langue française*, Paris: PUF pp. 27-44.

analyzed from the Peulh language by H. Gaden. And, in support of the thesis that:

the introduction into African languages of terms and modes of expression capable of expressing scientific and philosophical ideas of the modern world is possible.

Cheikh Anta Diop, a Senegalese writer, in his "Nations Negres et Culture" devotes a whole chapter to a Wolof-French vocabulary, translating into that Senegalese language a number of scientific terms relating to the concept of chemistry, geometry and thermodynamics... In conclusion he does a wolof translation of a summary of Paul Angevin's theory of relativity²².

Linguistics is undeniably a scientific discipline, and Akan and Ewe linguistics are being taught in Akan and Ewe respectively, both of them Ghanaian languages in the University of Cape Coast, Ghana for many years now.

In 1988 a study on Ewe adverbs undertaken by third year students of Ewe in 1988 in the Department of Ghanaian Languages of the University of Cape Cost revealed that, the language has an enormous stock of adverb to describe, for example, the manner of walking, depending on whether the person walking is tall or abort, hefty or feable-looking, fat or slim, depending on whether his clothes are ample or sight depending on the nature and the noise of his footsteps... About fifty different words were recorded and most of them had their diminutive forms as well.

Referring specifically to the Twi language, a study made the following observation just before Ghana's independence in 1957:

Already a comprehensive system of theological thought has found adequate expression in this language. The old Based Missionaries, with the help of African teachers, succeeded in making accurate translations into Twi of words on Church History, dogmatics and Christian ethics. An attempt was also made, with promising results, to build up a system of mathematics - arithmetic and algebra - in Twi²³.

All these goes to prove that contrary to the stand taken by many administrators of former colonies and some indigenous collaborators, many languages of the sub-region are lexically very rich and possess a high potential for adaptation and response to new situations, new concepts.

22 Verbeke, R., 1966, op. cit. p. 103.

23 Asamoah, E.A., 1955: op. cit. p. 71.

Linguistic Decolonization

In the 50s the African continent witnessed the birth of a remarkable linguistic awareness: the indifference to or the disdain for indigenous languages has generally metamorphosed into an unprecedented interest in those neglected languages; and with that began an ever increasing improvement in their status; various groups of intellectuals started to raise the question of linguistic decolonization; thus one or more indigenous languages would be systematically developed, and would be made to play the role that the European languages were and are still playing in the sub-region.

Governments of the different countries have developed more and more interest in the idea and have given it their official support in diverse ways; through scholarships, increased subventions, policies favourable to the development of such language, establishment of specialized bodies and institutions; for example a number of local languages like Hausa (Central and West Africa), Yoruba, Igbo, Efik, Akan, Ewe, Mossi, Wolof (West Africa) are not only taught at various educational levels, but also have their use encouraged in trade, commerce, politics drama, religion, radio, television and the newspaper²⁴. In Burkina Faso for example a "Commission Nationale des Langues Voltaïques" (National Commission on Voltaic Languages) constituted in Ouagadougou, codified the Mossi Language in 1969²⁵. And in Ghana, the Bureau of Ghana Languages formerly the Vernacular Literature Bureau established in 1951, has also made its impact on a number of local languages: so has the Hausa Language Board done for Hausa in Nigeria. At the sub-regional level, the activities of the West African Linguistic Society and, at the regional level those of UNESCO and of the International Institute of African Language and Culture founded in 1925, publishers of the scholarly journal *Africa*, deserve special mention.

Universities and institutes in the sub-region have established departments or sections of linguistics and African language where conferences, workshop, research activities and seminars take place and where different types of publications come from outside the continent. Universities in England, the USA, Germany and USSR have stepped up their studies of African languages²⁶.

Many African countries now organize regular cultural festivals to encourage national culture and languages. The successful Festival of Art and

24 Awoniyi, T. A., 1982: op. cit. p. 23.

25 Houis, M., 1971: op. cit. p. 192.

26 Awoniyi, T.A., 1982: op. cit. p. 28

Cultures (FESTAC) held in Nigeria in 1977 was for the same purpose, but on the continental level.

The national mass media too have not been left out, more and more newspapers and periodicals are being published and more and more time is allocated to radio and television programmes in local languages. The British Broadcasting Corporation, for some years now, has encouraged the use of Hausa, Swahili and some other African languages in its overseas (African) service.

We see from the above that indigenous languages in the sub-region now enjoy a high level of prestige generally unknown during the colonial era.

Reality of the Language Situation

Though the level of efforts made in the various countries may differ, we can see that the question of linguistic decolonization is a great concern to governments in the sub-region. However, that linguistic renaissance has brought to light problems inherent in language planification in a multilingual environment.

Every language is important to its speakers and every country in the sub-region is multilingual. To take just a few examples, the Republic of Togo has about 40 languages and dialects; in the People's Republic of Benin 52 languages have been recorded to date; Ghana boasts of more than 80 languages and dialects, Sierra Leone 18 distinct languages and Nigeria about 400 linguistic communities (Awoniyi, 1982: 24). As a matter of fact those figures differ from one source to another confirming that the number of languages and dialects really spoken in every country, at the present state of research, is unknown. This uncertainty about the number is due to many factors including the scarcity of information available and in many cases the absence of sufficient linguistic descriptions²⁷ the lack of agreement among specialists on the general criteria distinguishing a language from a dialect, and the fact that until recently most of the studies were undertaken by amateurs²⁸.

Now that practically all countries are convinced that every language can be developed to a high degree, the time has come to ask a few questions like the following:

- Is it desirable to develop all languages of the sub-region to the highest level possible?

27 Lacroix, P. F., 1964, "The Problems of African Languages", *Présence Africaine*, 23 No. 51 p. 82.

28 Alexandre, P., 1972, *op. cit.*, p. 1.

- Taking the realities of the situation into account, will every country be able to develop all its languages, for them to be used as a medium of instruction at all levels of formal education?
- Are there qualified teachers to undertake this teaching task in L1 in all subjects up to the higher education levels?
- Is there an adequate number of Africanist linguists to conduct serious studies in all aspects of the languages and come out with reliable results?
- Can every country survive as a socio-politico-economic unit with all this multitude of language and dialects developed to a high degree?
- Can the discrepancies in the inventory of the various languages be settled soon enough for the exact number of languages and dialects to be known and for early and satisfactory language planifications to be done?
- Are there, for all languages listed, authoritative descriptions that can serve as a reliable starting point for serious future studies?

We doubt if anybody can claim to have appropriate answers to all those questions.

Members of a linguistic community tend to be emotionally attached to their language; the first language is said to play an important role in concept formation and intellectual development, and also in the moulding of the personality and cultural outlook of the individual; a common language promotes a feeling of belonging, of oneness among its speakers. For these and other reasons it is desirable to develop each language to the highest possible level. But in the countries of the sub-region, there is a serious scarcity of reliable documents and qualified human and material resources; there is inadequacy of dependable linguistic descriptions of and other pertinent references on each language; a significant number of those languages do not have the written form yet, and there are very many which are spoken by only a small number of people. Besides the exact number of languages and dialects is still unknown. We can say therefore without running the risk of being proved wrong that it is utopian to conceive the idea of developing every language to the highest possible level. Such an effort which will tend to renew and strengthen ethnic boundaries, will also form ethnic rivalries and ill feelings and provoke national disunity. Let us for a moment, think of the inextricable situation that will face a country in the sub-region if, for example, all the laws, all the official information or directives, all textbooks, all national newspapers should be published and all radio and television items of news should be broadcast in every single language of the country. Obviously there is need for a choice.

Some Criteria for Selection

We do not have the slightest pretension to say that we are capable of proposing a comprehensive list of time tested criteria that are true for all occasions and at all times. We just want to advance a few humble suggestion; but before these, a few questions that all language planners in a multilingual setting may be called upon to answer and which confronted the participants of the 2nd Congress of Black African Writers and Artistes in Rome in 1958:

What language(s) to choose and what dialect(s)? On what criteria to base the choice? From the very beginning should the choice be made at the national or a the sub-regional level?

The difficulty of finding satisfactory answers to those and related questions obliged the Congress participants who had intended in their linguistic resolution to select only one African Language and propose its compulsory adoption as a *lingua franca* on the whole continent, to finally settle for a list of six possibilities, namely Swahili, Hausa, Yoruba, Mande, Fulfulde and Wolof²⁹.

Naturally the Congress thought of the whole continent, even though the language needs might not be the same from one sub-region to another, nor from one country to another in the same sub-region, especially as the level of awakening was not the same everywhere. In fact, the delay in ratifying some conventions of the Economic Community of West African States (ECOWAS) by some member countries, has made us believe that the time is not ripe for a collective linguistic solution. Consequently, in our opinion, it is premature to think of a unique solution for all countries.

Every country in the sub-region therefore will have to study its own peculiar case and take decisions accordingly. However, to avoid dispersion in research, unnecessary duplication of efforts, wastes of funds and other scarce resources, it is in the interest of the different countries to coordinate their activities, and exchange information in the sub-region. Thus, as a first step, the planning will be done at the national level without however ignoring the very significant fact that many languages spoken along the borders of a good number of countries, spill over into neighbouring countries; but whether or not the decision is taken at the national or at the sub-regional level, one will find certain factors pertinent such as the geographical area a language or the languages occupy, the history of the language(s) in a country, its/their current status, the structure of competing

29 Alexandre, P. 1972: op. cit. p. 83

languages, the writing tradition and the affinity the speakers have for their respective languages and dialects³⁰.

We shall now take each of those points one after the other beginning with the one relating to the geographical area: a language can be spoken by a small group of people and can occupy a relatively small area in a country but having a long tradition of education, due to an early contact with traders and/or missionaries. Such a community may have produced powerful men who may want to use their privileged position to influence a national decision in favour of their minority language. Naturally such attempts have to be strongly resisted since they are not conducive to harmony in the country. A language that has hardly expanded beyond its traditional frontiers over the years cannot be accepted by the majority of the population as a *lingua franca*. Some language, like Yoruba and Hausa, have not only expanded beyond their traditional borders but constitute the first language of people in more than one country. Consequently decisions taken about such languages are bound to have some impact on speakers in neighbouring countries; this factor, as hinted earlier, cannot be ignored.

As for the history of the language and its present status, it is important to have some idea about the number of speakers for whom the language is a first, second, third or even a fourth language; in other words it is necessary to know whether the language is in full natural expansion namely without its being imposed on the people for, the more a language is widespread in a country the easier it will be for it to play the role of a *lingua franca*, and for a government to plan its development and further promotion; this is so because a language whose expansion is natural tends to enjoy some kind of genuine preference and prestige among its indigenous speakers as well as among other speakers for whom it is not a first language.

The structure of competing language brings our discussion to the structural similarities and differences among languages. It is normally believed that the more a language is structurally similar to another, the easier it is for speakers of one to learn the other. Consequently among a number of possible languages to select as vernacular languages, if there is one whose structure bears similarities with many other languages in the country, it is most likely to win the toss.

Among the key variables noted is that of the writing tradition. It is necessary to know whether or not a given language has a written form. If it has, the type of alphabet is important. Most of our interactions are with the West and all the Western countries have practically the same type of alphabet. Besides Western colonial powers have already introduced us to

30 Wallwork, J. F., 1981, *Language and People*, London: Heinemann Educational Books, pp. 157-158).

their alphabet through their language and have helped us to transcribe these alphabets to our languages. In any country the languages which have a written form are likely to have had a good number of studies done on them, and therefore likely to be more documented and to be generally richer in reference materials than those languages where basic research in phonology, morphology, syntax and vocabulary is yet to be initiated with the aim of establishing its transcription. Because of the numerous problems some of which have already been indicated above, that type of work will be very long and exacting.

The four factors we have just discussed concern the languages themselves. Now the fifth one namely the sentiment or loyalty one has towards one's language is rather psychological. It is a very delicate factor susceptible to become a very powerful political weapon. It could be described as a protective and defensive attitude, a kind of pride, esteem and respect for one's own language, a unifying force which pushes speakers of the same language to defend the interest of their language often at any price, or to constitute a formidable pressure group whenever they have reason to believe that the security of their language is threatened. This is so because that threat is often interpreted as a threat against the whole linguistic community and can result in serious political unrest like the violent reactions of the Baganda in Uganda and the Kikuyu in Kenya, against the generalized use of Swahili³¹. And also the bloody uprising in Nigeria when, shortly after independence, the Tiv of the then northern region, learned that Hausa was to be imposed on them³².

The choice and the planification of language and their consequences are such that the decisions have to be taken with the greatest circumspection.

A government in the sub-region planning to choose a local official language from a number of languages will not be the first to have taken the step. Outside Africa, Switzerland, Belgium and the USSR, and in Africa at least Tanzania have already taken the lead. It will therefore be of utmost importance to collect as much information as possible on the subject from such countries, for careful study prior to adopting a language policy.

After those preliminary considerations, we come to the decisive moment of making the choice. Different conditions relating, for example, to different socio-political climates or needs of given countries will naturally call for different solutions. Sometimes one or more fast spreading indigenous languages can be selected and declared as languages to be used for all official purposes including education and the law.

31 Verbeke, R, 1966: *op. cit.*, p. 109.

32 Alexandre, P., 1972, *op. cit.*, p. 88

Where all the languages are localized and therefore hardly spoken beyond their traditional confines, one among the lot can be retained as an official language, while granting the same status to the language inherited from colonization. If however such a decision is likely to cause some unrest among the majority, the government can put in place the necessary mechanism for encouraging the learning and teaching of as many of the local languages as possible, but will declare an international language, preferably that of the former colonial power, as an official language.

The rivalry between competing local languages may be such as to render any choice impossible. In a situation like that the language of the former colonial power may be a more readily accepted compromise solution³³.

It is not impossible in certain circumstances to let the choice fall on a widely used local language which though it may be the first language of a minority group, it owes its privileged position to the fact that it is the commercial, religious or political language³⁴.

A country, for all sorts of reasons, may consider itself as one country but made up of two distinct zones. The choice can therefore fall on the most widely spread language in each zone while the same status of official language is conferred on the language of colonization; because the latter is neutral in the sense that it is not the language of any local linguistic community, it will play the role of a uniting force for the two zones. We wonder whether the official policy should not be such that in addition to the language of one's own zone, and that of colonization, one should not be encouraged to learn that of the other zone. That is obviously a heavy burden on the individual but it looks like one of the prices to be paid in order to guarantee free interaction, mutual comprehension, peace, unity, stability and the development among the citizens, of the sentiment of belonging to the same national community.

Having made the choice of an official national language, we then have to tackle the problem of harmonization of the writing system, which should take into account the exigencies of the modern world, relating particularly to typewriters and typesetting machines for rapid and economical reproduction of educational materials³⁵. To encourage literacy and facilitate learning and reading, harmonization or standardization in spelling should conform to contemporary pronunciation and phonemic system; thus the same sound will be represented in the same manner in the different languages under consideration. If standardization in spelling had been taken into account, Ewe in Ghana and in Togo on one hand, Akwapim, Fanti and Asante, the

33 Wallwork, J.F., 1981, op. cit., p. 158.

34 Alexandre, P., 1972: op. cit. p. 79.

35 Bull, W. E. 1964, op. cit., No. 8, p. 529.

three best known Akan dialects in Ghana on the other, would not have complicated matters by each developing its own individual spelling system.

Conclusion

From all that has preceded, we can conclude that the problem of choice of an indigenous official language in West Africa and therefore in multilingual environments, is not very easy to resolve. Consequently those understanding research and devising policy on this matter should be independent from the powers that be, those whose interest in it is not motivated by personal political reasons. They should not either be people with fixed ideas on this type of problem, people who inwardly despise local languages, or those whose attachment to their first language is such that they would do everything for it to be adopted as an official language at the expense of peace, national unity, stability and accelerated development. They should not be citizens drawn essentially from among the most privileged communities of the country either. It is obvious that language policy and planning really need the combined wisdom of dedicated politicians, economists, sociologists, psychologists, linguists, legal experts and educators (Wallwork, 1981: 158), who will put national interest over and above personal and ethnic considerations.

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Book Reviews

The Development of African Capitalism

John Sender and Sheila Smith, *The Development of Capitalism in Africa*, Methuen, London and New York, 1986;

Paul Kennedy, *African Capitalism: The Struggle for Ascendancy*, Cambridge University Press, New York, 1988.

Capitalism has had a bad name in Africa, so that even staunchly capitalist-oriented regimes, such as that of Kenya, have felt the need to hide their capitalist faces behind the cloak of 'African Socialism'. The reasons for this are not hard to find. Capitalism is associated with colonialism and colonialism is universally reviled in Africa. The nationalists who inherited state power at independence derived their legitimacy from the inter-twined ideologies of anti-colonialism and populism. And they worshiped at the altar of statism, partly because the 'masses' expected the state to deliver all those privileges denied them under colonial rule, such as good schools, hospitals and jobs, and partly because they themselves were materially weak and the state offered them a means of accumulation. It was a harsh environment for capitalism to thrive, at least at the ideological level. Not surprisingly, scholarly discourse on the development of capitalism in Africa was noted more for its ideological posturing than its analytical rigour.

Things are beginning to change. It is now three decades since most of Africa regained its independence. The memory of colonialism has dimmed. Many Africans living today were born after colonialism and their existential reference is to the independence era. The capacity of the state to deliver has also diminished as a result of conjunctural and structural factors. African states have been engulfed by economic crises of varying severity since the mid-1970s. The 'informal sectors' have expanded almost in proportion to the shrinkage of the formal economy regulated by the state. Equally important is the often forgotten fact that the post-colonial state has succeeded in expanding civil society particularly through the rapid growth of education and the bureaucracy. The bourgeois and petty-bourgeois classes have grown.

The stirring of civil society for more space have served to undermine statism. In short, there are indigenous elements, some of whom were fostered by the state itself, in whose interests it is to trim the tentacles of the state.

There are also powerful external pressures, represented by the World Bank and the IMF, pushing for a reduced role of the state in the economy and encouraging political pluralism. The collapse of the socialist regimes of Eastern Europe has not only discredited monolithic one-party states that have been so dominant a feature of political culture in independent Africa, but it has also helped rekindle interest in the capitalist path of development in those African and Third World countries where capitalism was a dirty word. For all these reasons African capitalism has come out of the closet and scholarly interest in the subject is growing.

The two books under review seek to trace the development of capitalism in Africa since colonial times to the 1980s. The book by Sender and Smith is the shorter and less successful of the two. The book begins with a rather tepid and dated discussion of trade and production in pre-colonial Africa. The authors are obviously poorly read in African economic history. Long-discredited myths are resurrected: that commodity production was severely limited by lack of markets, poor technology and constant warfare. Needless to say, these assertions are not substantiated. This serves as the backdrop to their main argument in Chapter 2 that dynamic and sustained commodity production in Africa began under colonial rule, during which there was '(a) the transformation of subsistence goods into commodities; (b) backward linkages, including the development of markets for the means of production; (c) forward linkages; (d) fiscal linkages' (p. 10). What follows is an incoherent exercise in enumeration of crops and manufactured goods produced, road and railway mileage built, and the volume of exports and imports. The discussion lacks chronological structure, for statistics are thrown together regardless of the period, and it ignores the processes involved in the production of the various commodities enumerated.

The discussion on the emergence of wage labour in Chapter 3 is equally unsatisfactory. An abstract and contrived contrast is drawn between capitalist and pre-capitalist labour processes. The authors believe that servile labour was dominant and that hired labour was extremely rare in precolonial Africa. Neither assertion can stand up to the available evidence. Household labour was the dominant form of labour and the use of hired labour in commodity production and transport was more widespread than was once thought. It is also not true, as the authors assert, and certainly not for all the colonial powers, that 'direct and overt coercive methods of securing labour began to be abandoned at an early state' (p. 48). The British revived forced labour in their colonies during the Second World War, the French abolished it for the first time after the war, and the Portuguese persisted with it until

they were thrown out of their colonies in the early 1970s. In any case, labour coercion should not be seen exclusively, in terms of recruitment, but also in terms of control of the production process.

It is unfortunate that colonial labour history is often reduced to wage labour, for there were other important forms of labour, including unremunerated women's household labour, which helped produce and reproduce colonial capitalist society. As in the previous chapter, statistics on the labour market are thrown about for a number of countries without any meaningful contextual discussion of the processes involved. The chapter is peppered with assertions that the quality of life of working people improved, but we are not told when and compared to what. Certainly in the early colonial period life for working people was, to use Hobbes' phrase, truly nasty, brutish and short. The demographic evidence is overwhelming.

The last two chapters are far more interesting. Chapter 4 covers trade, industrialization and the post-colonial state. It is argued that 'the development of the forces of production in many post-colonial African economies has been extremely rapid' (p. 67). Evidence on agricultural and industrial production and infrastructural investment is adduced to substantiate the point. It is salutary to be reminded, at a time when it is fashionable to see Africa through the prism of crisis, stagnation and decline, that economic growth and profound socioeconomic transformations have occurred since independence. The authors do examine economic stagnation or decline in some countries in Chapter 4, singling out Ghana, Mozambique, Ethiopia, and Tanzania. Nothing informative is really said about any of these countries. The authors dismiss the two dominant explanations of economic crisis in Africa, one that 'attributes economic failure to the misallocation of resources created by state intervention and interference with the play of market forces', and the other which 'emphasizes the exploitative nature of economic relationships with imperialist states', particularly 'the structural constraints, resulting from such factors as price instability and deteriorating terms of trade' (p. 110). But their alternative explanation is limp. It is not enough to blame the crisis on 'the failure of African states to formulate a coherent or effective trade strategy' because of 'a set of ideological tenets', principally nationalism (p. 125). Indeed, calling on African countries to increase investment in established primary exporting sectors and abandon their efforts aimed at export diversification and manufacturing echoes the standard World Bank line.

Sender and Smith vigorously argue, contrary to many currently popular views, that state intervention was not motivated by ill-conceived ideological considerations. Rather, it was historically imperative given the pressures of mass nationalism, the interests of the new rulers to consolidate and legitimize their authority, and the need to promote and protect domestic industry in a highly competitive world market. Indeed, in all 'late'

industrializing countries the state has played an interventionist role. Far from 'crowding out' private entrepreneurship the post-colonial state in Africa has actually promoted the interests of the indigenous bourgeoisie through the provision of credit, removal of discriminatory colonial legislation against Africans, public ownership achieved by nationalizations and the establishment of parastatals, and preferential licensing allocation systems. The picture presented is, however, too homogenized. Sender and Smith fail to distinguish the different types of post-colonial states in Africa, their development strategies, and their changing policies towards, and often contradictory relations with the indigenous bourgeoisie.

Sender and Smith's attempt to trace the development of capitalism in Africa ultimately fails, not because such a process is not taking place in Africa as dependence theory would make us believe, but because they have not demonstrated it. Who are the African capitalists? What are their patterns of accumulation? In which sectors have they been investing? What is the nature of their relationship with the state, foreign capital and labour?

Some of these questions are addressed by Kennedy, who looks more systematically at the development of African capitalism. Kennedy's introductory analysis on 'economic development during the colonial period' follows the balance-sheet approach so despised by Rodney and favoured by the notorious imperialist ideologues, Duignan and Gann, in which the debits of colonialism are counterbalanced with the credits. Kennedy believes that colonialism had its advantages and disadvantages. On the debit side were failure to initiate modern manufacturing, subordination of local economies to the uncertainties of the world market, drainage of capital, while on the credit side was the establishment of modern forms of transport, administration, education and the provision of foreign investment and aid. This 'grocery type' of history is too schematic to be useful.

As far as the aspiring African capitalists were concerned, colonialism carried more debits than credits. Kennedy produces abundant evidence in Chapter 3 to show that African entrepreneurs received little, if any, help from the colonial state. Moreover, deliberate legal and administrative restraints were applied against them. These restraints took many forms, including restrictions against getting licenses and credit, producing cash-crops, and recruiting hired labour, discriminatory taxation policies and support for European settlers and Asian and Levantine trading minorities. In addition, African entrepreneurs were ill-equipped to compete with the better capitalized, organized and protected foreign capital, which not only dominated the local economy but also external trade and commerce. These constraints were compounded by, Kennedy asserts, poor entrepreneurial skills. This point is, however, not directly substantiated; Kennedy merely counterposes the entrepreneurial skills of Asian and Levantine traders. There is sufficient evidence from the nineteenth century which shows that

entrepreneurial skills in precolonial Africa were not in short supply. Despite the colonial constraints, Kennedy argues, African capitalism did grow, at first slowly, confined to segments of the traditional ruling class, petty traders, and the newly educated elite 'straddling' wage employment and productive enterprise and trade, and then more rapidly between 1940 and 1960 as some of the restrictions imposed on African entrepreneurs were lifted as a result of growing nationalism and post-war economic expansion generally. The class of African entrepreneurs was now joined by the agents of multinational companies which were beginning to penetrate the African economies.

Independence marked a watershed in the development of African capitalism. Indigenous capital could expect support from the post-colonial state more than was ever possible under colonial rule. The new governments proclaimed their intentions to promote national economic development. The self-avowed socialist and Marxist regimes openly expressed their antagonism to private capital, whether foreign or local, although it was the latter that suffered more because it was already weak. Ironically, these states continued the colonial state's anti-market predilections and tradition of suppressing indigenous capital.

In contrast, the capitalist-oriented states sought to break with that tradition in their endeavour to promote indigenous capital. Indigenization programmes were launched, credit institutions were expanded, foreign trading minorities were pushed out from some sectors, and so on. But even in these countries relations between the state and indigenous capital were quite complex in practice. In many of them state support for indigenous capital was often half-hearted. It is possible, as Kennedy argues, that the political class, or the bureaucratic bourgeoisie, as he calls it, saw a vigorous indigenous capitalism as more of a threat to its continued hegemony than foreign capital or the capital of minority groups which could be more easily manipulated. In fact, in some countries, such as Uganda under the first Obote regime:

bureaucratic bourgeoisie was quite prepared not only to tolerate, but to openly forge an alliance with certain factions of those very foreign interests against whom some of its ideological pronouncements had previously been directed and at the same time that it was proclaiming the necessity of socialist planning and national economic autarchy (pp. 71-2).

In other countries, such as Kenya, the state showed little ambivalence in its effort to promote indigenous capital. 'Government officials and politicians in Kenya', writes Kennedy:

have not only used state power to benefit local enterprise, despite its initial weakness compared to foreign capital, they have also tended to engage in private business activities in their own right, placing their own personal funds at risk as well as loans obtained from the public purse (p. 95).

Kennedy believes that the Kenyan case is rather unique. "The special feature of the Kenyan situation", he contends:

lies less in the ability of an economically predominant class to capture direct state power or buy off the bureaucracy, but has more to do with the willingness of educated officials and politicians to view private business endeavour and public office-seeking not as mutually opposed activities... but as overlapping and complementary endeavours, both of which could be followed simultaneously at the individual and national level (p. 96).

This is an exaggeration. It is certainly simplistic to attribute, as Kennedy does, 'the much firmer hold which the lure of continuous business endeavour seems to have had for many educated and powerful Kenyans, seen as a realistic and preferred goal for personal endeavour, compared to other Africans... to the earlier experience of white-settler farming and other European investments' (p. 97).

Kenya was not the only country with such investments, and the settlers were never all that successful as farmers, as recent research has amply demonstrated. Moreover, apart from its voluntarist connotations; Kennedy's account freezes the relationship between the state and indigenous capital in Kenya. Under the Moi regime, the Kenyan state has progressively sought to undermine the accumulative interests of the most developed indigenous bourgeoisie belonging to the now politically marginalized Kikuyu ethnic group, while promoting those of the previously underprivileged but now politically powerful Kalenjin ethnic group. In order to achieve this the state has also facilitated an alliance between the aspiring Kalenjin bourgeoisie and foreign capital against the Kikuyu bourgeoisie which had become sufficiently strong to be national.

Clearly, the relations between the state and indigenous capital have been subject to change depending on the power basis of the state itself, as well as the nature and strength of the indigenous capitalist class, and a host of other important factors, including the country's form of colonization and decolonization, its level of economic development and integration into the world capitalist economy, and the configuration of class, ethnic and regional forces.

The relations between indigenous capital and foreign capital are also quite complex and subject to change. Kennedy is rightly critical of those

who indiscriminately dismiss the African bourgeoisie as compradors. Not all linkages between indigenous entrepreneurs and foreign capital are compradorial. And compradorial activities themselves need to be distinguished. According to Kennedy the classic business compradors were the small traders who participated in the import-export trade in the late nineteenth century. From 1945, new comprador groups emerged including the representatives appointed by foreign companies based both overseas and locally. With nationalization and indigenization decrees came the 'frontmen' and 'protectors' mostly of restricted Asian and Levantine business.

More recently another form of business compradorship has emerged associated with the shift to local ownership through the purchase of equity capital by African shareholders. These categories need not be accepted. But it is simplistic to assume that the 'comprador' elements do not have their own accumulative interests, or that there is no conflict between them and foreign capital. There is no immutable law that decrees that once a comprador always a comprador. There are many examples of entrepreneurs who started as compradors but graduated into independent entrepreneurs. More work needs to be done on this process of capital accumulation. The tendency has been to freeze compradorial activities in time. As a result of the perverse influence of dependency theory in African scholarship comparatively little research has been done on non-comprador business activity.

Kennedy suggests, without going into detail, that most African enterprises are small-scale. This is not unique to Africa. The world over, even in the developed countries, small businesses constitute the lifeblood of capitalist enterprise. More comparative studies are needed on the structure and organization of these enterprises in Africa and their historical evolution. But we also need to know more about the formation of large indigenous enterprises. Under what conditions have some small-scale enterprises matured into large ones? What are the linkages between small-scale and large-scale indigenous enterprises, and between them and foreign capital? To date, research on small-scale enterprises has gone under the rubric of the 'informal sector', a designation of dubious theoretical and empirical value.

Kennedy is also critical of the modernization theorists who see 'traditional' culture as an obstacle to entrepreneurial activity. There is nothing new in his critique. It cannot be overemphasized that such cultures hardly exist. If by 'traditional' is meant precolonial, economic historians have shown that the precolonial past was neither static nor was innovations uncommon. In the last three chapters, 7, 8 and 9, Kennedy raises many interesting issues, which are unfortunately not fully discussed. More concrete case studies would have enlivened his analysis of the entrepreneurial spirit, business fortunes and the social origins of African capitalists. The relationship between indigenous capital and labour is

perfunctorily treated. So is the question of innovation, production and marketing, and the strategies of capital accumulation and the patterns of intergenerational wealth transference. His conclusion that African capitalism is growing despite the economic crisis and the consequent shrinkage of statism, is tantalizing, but requires greater demonstration than we have been offered here.

These two books raise important questions, although some of the answers provided are unsatisfactory. Despite their obvious difference in terms of depth of coverage and analytical rigour, the two books share a number of things in common. One is their eclectic approach; the authors deliberately avoid using any of the dominant paradigms that have been used in analyzing development and underdevelopment in Africa. This has its advantages and disadvantages. The advantages are that it allows them to ask questions previously buried under a plethora of assumptions masquerading as facts. The disadvantages are that their analyses sometimes lack coherence, and in their more prescriptive poise they often fail to see that their ideas are recycled views of the modernization school. Second, the two books share the predilection of Western scholars to make generalizations about Africa when they are in fact talking of a small handful of African countries. It is time we got liberated from the designations Sub-Saharan Africa, of Kennedy's choker, Black Sub-saharan Africa. Surely Africans have countries, regions, and, yes, a continent by which they can better be known rather than by a piece of sand or dosage of melanin.

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Samir Amin and the New International Epistemological Order

Samir Amin: *Eurocentrism* (trans. Russel Moore, New York: Monthly Review Press 1989)

This recent product of Samir Amin's prolific and inspired intellectual labour is an integral supplement to his ongoing overall project of advancing the national-liberational goals of developmental autonomy from under the directives of global capitalism. Amin builds on a perspective deriving from Marx but corrected by the viewpoint of, and in view of, the periphery of that capitalism, which part of the world, as is well known, so much (and quite unfortunately, considering much of the later scholarly work conducted in his name) evaded the focus of the writings of Marx himself¹. This time only the subject of Amin's ambitious² and broadly informed scrutiny is the cultural counterpart corresponding to the prohibitive objective relations which constitute what he calls "actually existing capitalism".

As for Amin, Eurocentrism is the ideology (in the sense given first by Marx) of capitalism, serving the needs of legitimation of the existing order of affairs by obscuring the true nature of the capitalist relations and concealing the contradictions behind them. Therefore, in order to affect the needed (but not necessarily 'necessary' in any teleological sense) progressive sublation of the given exploitative and constraining modern circumstances, Amin embarks here in examining and debunking the cultural aspect of the imperialist dimension of capitalist expansion so as to move towards the indispensable double goal of "critical analysis and... the development of progressive strategies" (p. 141).

The unequal development which, for Amin, is the reality of actually existing capitalism is not based on any immanent necessity or inherent superiority of developmental factors endogenous in post-Renaissance Europe but rather draws on and exploits the artificially particular (but concealed as such) rationality of Eurocentric capitalism. It is not that universalism per se

1 See Amin's work e.g. In *Accumulation on World Scale, Unequal Development*, and the recent *Delinking* (New York, Monthly Review Press 1974, 1976 and Zed Press 1985 respectively).

2 Amin's ultimate aim is to contribute to the process of bringing about a "Total Reconstruction on a Global Scale" (Amin, *Eurocentrism*, p. 117; hereafter the page numbers given in the text refer to this work only).

is an untenable position; on the contrary, tells Amin, with capitalism we now have a real and novel:

twofold demand for universalism: first, at the level of the scientific analysis of society, that is to say, at the level of the discovery of universal laws that govern all societies; and second, at the level of the elaboration of a universal human project allowing the supersession of the historical limits of capitalism itself (p. 9).

The issue, then, is, as goes Amin's assertion, about "the false universalism of capitalist Eurocentrism" (p. 145): that we are rather running the risk of falling victim to a double deception of the uncritical acceptance of the basic tenets of Eurocentric axioms in both the Left and the Right in the Western political tradition: first, concerning the internal factors as considered primary in the comparative evolution of any society; and second, concerning the assumption of the generalizability of the Western-model capitalism on a global scale (p. 109). Consequently, this leads to the topical need to rebuke the distorting historicism ingrained in contemporary Western social thought (and its relativizing philosophical affines) and to contain its hybrid conceived in the potency of the capitalism of the transformed modern Europe: the hubristic solution to the question of the European "success" as imperialist universalism on an economic foundation.

Thus, we can see two broader meta-interests informing the matrix of Amin's more direct rebuttal of the Eurocentric prejudices behind the Western social-political traditions. On the one hand, there is an attempt to develop a reconstruction of history as an interpretation charged with critical-emancipatory potential. But not only is "the project of historical materialism... to reinterpret world history in light of a general theory of social evolution", it is also "to open the way for transcending capitalism by means of an efficacious political strategy" (p. 118). Amin's second concern is then a positive one, namely to develop a set of propositions attributable with the status of 'science', which could, for instance, take the shape of Amin's global theory of unequal development while the present work under consideration represents more intimately the former, more directly critical function³. And it is exactly here where his work goes beyond that of Martin Bernal's or Edward Said's "sectoral" critiques of Eurocentrism: he attempts

3. This bifold scholarly orientation probably reflects the inherited tension embedded in large portion of Marxist theory between on one the hand a critical outlook and on the other hand a 'scientific' (or "scientistic"); see Albrecht Wellmer, *Critical Theory of Society* (New York: Continuum 1971) strand of self-understanding, which tension is manifest in the complex inner development of Marx's own thought from his work under the influence of young Hegelians through the volumes of *Capital*.

to relate that cultural aspect in question to its overall context within the capitalist socio-economic formation.

My review follows Amin's own organization of argument: first, I will refer below to the central arguments he puts forth in the critical treatment of the historically developed "Eurocentric paradigm", and then my intention is to look at some of the aspects of his proposal for a 'science' in the service of humanistic socialist universalism before turning, as a practical-political endnote, to a brief discussion of Amin's exposition of social change. In the process, my thesis will emerge that while impressively undermining the conditions of maintenance of the historical innocence of capitalism's malleability and historicity at the core of "Eurocentrism", he nevertheless may never manage to fully transcend the very phenomenon he attacks at the level of epistemology, especially as concerns his rationalist outlook. As purported in this review, the underproblematization of the concept of rationality in Amin's book results in effect in a partial adoption of the inherited notion of Western rationality, or in only partial rejection of it, in his otherwise remarkable attempt to break through the confines of the occidental philosophical framework through a critique of culturalism, anchored in a considerably original utilization of the method of historical materialism.

Critique of Ideology

As already mentioned, Eurocentrism, for Amin, implies a twofold distorting prejudice or "provincial arrogance"; resulting in a theory of world history and a political project, it has generated a "false universalism" by assigning transhistorical significance or status to the conceived historical particularities and incommensurable histories. Such explanations have taken shape most conspicuously in namely culturalist and racist theses, turning historical-analytical queries concerning the rise of capitalism into mythical constructions about Hellenic-Christian logic of necessity.

Amin's book eruditely challenges these assumptions through three interconnected arguments each of which is linked to different functions of Eurocentrism. First, there is a critique through historical arguments. Offering an alternative interpretation via a reconstruction of an alternative distinct historical narrative in the light of historical data, Amin shows the historically unfounded and deforming "annexation of Greece by Europe" (p. 93) from its actual context in ancient Orient, carried out mainly during the renaissance and as of the 19th century Europe. Against such arbitrary reconstruction of false evolutionary identity in order "to blur the extent of [Europe's] rupture with the past through an affirmation of a nonexistent historical continuity" (p. xi) with the aim of furtherance of the claim for original transhistorical superiority of European capitalism, Amin can posit a different historical chronology that downplays the traditionally held global progressive

significance of the transition from tributarian antiquity to Christian feudalism in Europe. In the light of broad historical material, Amin locates the beginnings of Mediaeval culture earlier in the Hellenistic unification of the East. The qualitative more novel break of the emergent capitalism is thereby better situated and portrayed against the background of center-periphery analysis of the tributary era: Christianity cannot any longer hold the monopoly of plasticity among the world religions, and the European "success story" must be seen in light of the dynamic opened to it due to the peripheral position to which that continent was largely relegated during the fully developed tributary period.

The coincidence of the early development of capitalism and the construction of Eurocentric mythology point to the need for a second argument: Amin places Eurocentrism within the *history of ideology* (in a more Mannheimian sense) of capitalism. The analysis of the connection of Eurocentrism with the Renaissance thought associated with the development of the emergent economic system reveals the contribution of the former in concealing the systemic contradictions of the latter especially through the bourgeois science's search for partial truths.

Thirdly, a *conceptual exercise* uncovers the falsity of the Eurocentric cultural universalism in its internally contradictory character mentioned already earlier, through looking at the specific character of the construed unique traits vested now with transhistorical value (e.g. concerning the instrumental rationality of the economism of capitalism).

Science "for a truly universal culture"

While Eurocentrism functions to legitimize worldwide inequality and capitalism as a social system, it is nevertheless one response to "real questions" concerning the European origins of capitalism. "It is therefore necessary to replace it with correct positive responses" (P. x.). This, for Amin, means construction of a scientific theory to explain the historical development and dynamics of actually existing capitalism, which at the same time could provide for production of viable political strategies (this is what his theory of unequal development attempts to do). However, here the exact status of 'theory' is not clear; on the one hand, according to Amin, such theory with true universal aspirations cannot develop as long as ideology (in the Marxian sense) exists, but on the other hand, such theory, if I read Amin correctly, is needed for the dissolution of ideology. This ambiguity connects with the above-mentioned tension between theory as a critique and theory as a science, and points to the need to clarify the epistemological issues involved more in detail.

Amin's proposed 'science' rests on the concept of rationality, which is not clearly articulated in Amin's text. We know the Eurocentric charge of the universalist claim of the instrumental rationality of bourgeois economics,

in the light of its development in the long trajectory of world history. A theory of history must also be able to account for the "laws of power and politics" so notably predominant in the era of tributary cultures. With Amin, it seems that these two, instrumental and strategic aspects of rationality combined, it is possible to discover the "general law governing the evolution of all segments of humanity" (p. 115), especially so now that capitalism has created the objective conditions for universalization on the basis of its homogenizing tendencies. On the basis of the old Marxist doctrine of the determination "in the last instance" of the economic base - for Amin "at the highest level of abstraction" (p. 3) - "the discovery of universal laws that govern all societies" becomes possible (p. 9). Presumably, it is then the predictive capacity of the knowledge of those laws that makes the formulation of strategies for non-capitalist paths of development possible.

More precisely, the analysis of the functions of cultural constructions reveals their basic determination by the reproductive needs of the system, at least "in the last instance"; for example, "medieval scholasticism was an expression of the need to adapt Islam to a tributary system extending over a vast integrated space" (p. 52), and in the capitalist revolution, "the mission (or religion) is reinterpreted in conformity with the demands of the new society" (p. 72) whereby it becomes "easy... to see the relationship between (the) revision of intellectual priorities and the demands of the development of the forces of production" (p. 79).

The possible conclusiveness and exhaustive stature of analytical statement of this kind leads one to hark back to Marx, whose explanation of social action, as Wellmer⁴ has shown, betrays a reductivist concept of rationality which is not able to sufficiently reconcile interaction with labour, but, in effect, collapses the former into the latter. Consequently, the concept of rationality which forms the basis of Amin's ability to formulate an empirical-analytical theory of social change with predictive capacity to guide strategical political orientation (which is thus to be nothing less than "efficacious", namely a causally calculable means to the desired ends) rests itself on an insufficient understanding of action-oriented rationality which, not least in the tradition stemming from "spontaneous" Greek materialism through enlightenment and positivist "naturalism".

Moreover, the absence of what could be designated as the communicative element or aspect of reason from Amin's conceptual apparatus leaves him dependent on the inherited understanding of rationality in his critical reconstruction of the historical nature of the constituted Eurocentrism of capitalist thought.

4 Op. cit.

This amounts to a rationalist standpoint perhaps beyond the authorization of history itself. In order to critically juxtapose the historical record so as to demonstrate the timebound constitution of the process leading to the modern order of affairs, to strip the Eurocentric natural appearance of "things", and to offer a non-determinist explanation of the "capitalist success" and thus avail the transition beyond the current economic system, Amin must demonstrate the non-essentialist nature of elements of also non-Western cultures through application of ultimately Western criteria of the factors of evolutionary progress so as to be able to maintain the historical significance of differential historical-conjunctural conditions such as the relative dynamic impetus of center/periphery positions; thus it is for example not that Christianity alone contained the elements for progressive reason but that they were there, at least in principle, in Eastern religions, too - only they developed less flexible in the full-blown culture of the center⁵. Amin's critical import, then, reads ultimately that there was nothing *immanent* in the achievement of the current historical state of the West, and all claims to the contrary are false; and that from the point of view of the contemporary periphery, the centralized system now in force is not desirable and must be overcome. What is lacking in Amin's account is a radical critique in itself of the concept of rationality which is allowed to determine in its turn the concepts of development and progress, and this is so at the expense of harnessing history in the service of the rationalist agenda of providing the foundations for science for a true universalism.

It seems to me that such an agenda is an obstacle for developing a truly radical critique based on alternative (if perhaps counterfactual) forms of life, as long as the concept of rationality that underlies the normative exercise is ultimately founded on the premisses of the human conditions of existence in power and labour only - and this is what Amin indeed seems to do. Avoiding the problems concerning the foundations of critique may become arduous then, as far as the scientific pretensions of the critique are concerned (but, of course, will not so insofar as human action in reality does consist of domination and work only). And, the rift away from Eurocentrism on the basis of Amin's theory of unequal development may not transcend

5 Here one might, for instance, find reason to object to the relative importance assigned to Averroes as a great Islamic metaphysical rationalist and initiator of "incipient 'Protestant revolution' in Islam" (p. 44), in spite of his significant participation in for example the Mediaeval exchange on physics with Avicenna and Maimonides on Aristotelean "orderly heavens in their disorderliness" as well as his later influence on Mediaeval *particularly Islamic* figure, rather than a Hellenic cosmopolitan. Likewise, his activities in "inventing" figurative interpretation of Islamic texts should perhaps be seen as rather marginally indicative, specifically so within the context of Arab-Islamic thought itself; interpretation of texts as such is relatively alien to Islam and belongs rather to the tradition of Christianity.

the limits of the paradigm as it ultimately remains within the established boundaries of Western traditions of political and social thought. Supported with the categories of the dominant Western scholarly language, Amin can only call for redistributive justice within the existing order of appraised evolutionary/progressive feasibility: polycentric development can be seen as a call for acceptance of several paths towards the same ultimate goal, the development of productive forces, though getting there better: enhancing equality and justice. As what this demand requires is an intransystemic disposal of privileges of being designated as a rightful mode of doing the same thing through extension of purely economist criteria of capitalist thought to include also the "populist-national" or socialist action, it becomes possible to see it conferring the critique the status of, to borrow Bourdieu's terminology, *heterodoxy* only, not fundamentally challenging the existence of *doxa*, or the internalized limits of the prevailing system of thought⁶. Thus, one can raise the question concerning what exactly it is in Amin's work, in which we are facing a powerful and concerted effort to divest the legitimacy of the justification of the existing order, that guarantees that it, however, will not add up in effect to not much more than another new redistributive moral order between the West and the rest.

Politics and Social Change

One of Amin's thrusts in the book is that no capitalist stage is necessary for transition to socialism. This argument is based on the concept of international value which substitutes Marx's original labour theory of value as the main tool in critical analysis: according to Amin, the central contradiction of actually existing capitalism is spatially based in nature rather than class-based between labour and capital. Historical materialist approach to history shows that confronted with the polarizing tendency of expanding capitalist relations which nevertheless prove incapable of fulfilling what has been called the historical task of capitalism:

the calling into question of the capitalist mode of social organization is more deeply felt as an objective necessity at the periphery of the system than at its center (p. 10).

In cultural analysis, this "backwardness advantage" of greater ideological flexibility of less perfected development has been shown in historical record: Europe was the periphery of Arab-Islamic center, Japan occupied a similar position vis-à-vis China. Therein lies also the contemporary periphery's prospect for possibilities of "delinking", on the cultural level, from the "false universalism" of global capitalist economy for "populist national

6 See Pierre Bourdieu, *Outline of a Theory of Praxis* (Cambridge Univ. Press 1977).

development", to rearrange again later under "recomposed superior socialist universalism", as Amin puts it (p. 145).

While this invests the periphery with a capable propensity for action, as compared for example with some other global theories of capitalism such as Wallerstein's or Frank's, it is not clear precisely how the 'populist' side of development is to be conceptualized, in so far as the conceptual apparatus utilized remains oriented to understanding of instrumental and strategic action only. Amin is able to point out the needed national strategy on the level of the international order, but since he seems to lack any adequate concept of interaction, or communicative rationality, he, as it seems, cannot account for how exactly this delinking for socialist development is to come about in reality to the extent that it is to avoid statist overcomes; for example, how 'development' is to be realized as a social struggle/process. I suspect that Marx was not at all unaware of such problematic concerning social movements: in *The Eighteenth Brumaire of Louis Bonaparte*, he makes the note on the class or group formation in discussing the economic situation of the peasantry which goes beyond the formal mechanism normally associated with Marxist class analysis:

*In so far as these small peasant proprietors are merely connected on a local basis, and the identity of their interests fails to produce a feeling of community, national links, or political organization, they do not form a class*⁷.

Conclusion

Amin's book presents an attractive and sophisticated argument for its case, to the complexity of which this review cannot do justice. It is capable of recognizing and explaining on, the contradictions of historical process, while not falling prey to teleological determinism of so much of Marxist literature. In doing so, the modified historical materialist theory of unequal development is a valuable tool, which breaks out of Eurocentrism in two respects: first, it attempts to incorporate a theory of culture, thereby being able to avoid the 'victimization' to passivity of the capitalist periphery as accounted above; and secondly, by analysis of "actually existing capitalism" which is liberated from the crass evolutionism of much of theorizing on socialist development through the possibility of socialist transformation in the periphery by delinking for a polycentric world of development.

Moreover, the critical force of Amin's informed historical argument "deconstructs" the arrogant and arbitrary universalism of Eurocentric

7 This translation quoted in William Roseberry, "From Peasant Studies to Proletarianization Studies", In *Studies in Comparative International Development* 18:1 & 2 (1983) (emphasis added).

capitalism, while rightly pointing to the present need to provide foundations for a novel kind of universalism. However, it is my contention that such universalism cannot be ultimately based on the homogenizing tendency of capitalist expansion, but must seek other grounding in order to avoid misrepresentation and limited conceptualization of human action. It is here that the greatest problem arises: it can perhaps be seen as a continuation of the essential and contested latent tension in Marx's thought between the self-understanding of theory as a critique and as a positive science that the positive aspirations of Amin's book never seem to radically depart from their embeddedness in an epistemological framework basically still within the influence of Eurocentric experience.

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Les auteurs doivent indiquer leur nom au complet, leur adresse, leur situation académique ainsi que leur rattachement institutionnel actuel. Ces informations doivent figurer sur une feuille à part puisque les articles seront envoyés anonymes aux arbitres à l'extérieur. Les manuscrits ne seront pas retournés aux auteurs.

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