A NEW DAWN, HOPEFULLY?

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At Aspen, we recognise that good corporate citizenship is more than a compliance requirement, it is a fundamental imperative to the way we do business. We care about developing sustainable communities, promoting healthy lifestyle choices, enhancing healthcare infrastructure and human capital development, promoting gender and youth empowerment and improving the quality of life of all South Africans.
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A New Dawn?

The election of Cyril Ramaphosa as President of the ANC in December 2017, and also in February, 2018 as President of the Republic of South Africa unleashed a wave of hope, optimism and joy in the country, cutting across race, class, gender, and religion.

This was also reflected in an up-swing in the economy, improvement in business confidence, more measured tones from the rating agencies and a possible buoyant response from foreign investors.

Yet we must note that there are still many negative factors confronting the ANC in its endeavors for a genuine renewal whilst the country continues to face the immense challenges of extreme poverty, inequality, unemployment and a stubborn slow pace of economic growth, development and just redistribution.

The outcomes of the 54th National Conference of the ANC, in December, 2018 still leave the ANC in a parlous state. The ANC remains fractious and factions at all levels of the ANC structures are still bedeviling the movement.

The NEC elected at that congress contains too many members who lack a mature level of political consciousness, high ethical and moral standards and were openly and brazenly pro-Zuma and showed no respect for Cyril Ramaphosa. The latter and his support base with its slight dominance of the NEC and its life-line to local communities.

It is time for the NEC to heed the suggestions of Oscar van Heerden in an article for The Thinker (Vol 70, 2016). He called for “out of the box” thinking which could culminate in the officials as well as the NEC being elected by the entire membership in a secret ballot. One member, one vote should be the mantra. He also called for a reduction of the NEC and a quota on how many should serve in the highest-echelons of government.

In one of his first actions as President CR removed 10 members of Cabinet but retained some dead wood who are better known for their robust antics and rhetoric than for their level of performance.

President CR removed 10 members of Cabinet but retained some dead wood who are better known for their robust antics and rhetoric than for their level of performance. To his credit he brought back the highly regarded Nene as Minister of Finance; and in the still bloated Cabinet of 35, 16 are women.

Since Zuma’s departure Parliamentary sessions, including the State of the Nation address, are no longer marked by rude and belligerent behaviour. Parliament can and must become a Tribune of the People, serving first and foremost the citizens of the country.

The Budget, the last act presented by former Minister of Finance, Gigaba, was welcomed by local and foreign capital, opposition parties and the dreaded rating agencies. But it was denounced by COSATU, the SACP and bodies working with and amongst the poor and indigent.

Given that VAT is a regressive tax an increase by 1% from 14% to 15% hits hardest the poor, unemployed, workers and the lower middle strata. It may raise revenue but will also increase inequality. It is worth mentioning that the richest 10% of South Africans hold 90% to 95% of the country’s wealth while the top 1% hold 50% or more of its wealth. The question is why did treasury not increase the tax levied on corporate and wealthy individuals.
It should also be noted that there is a 52 cent per litre increase in the fuel levy. This will hit the most vulnerable hardest as the price of commuting to work is going to grow apace. If the new Minister of Finance is not going to retreat from the 1% VAT increase at the very least he should add considerably to the number of zero rated basic items that mean most to the poor, working people and the unemployed.

Is it beyond the capacity of government, in all three spheres, to find the ways and means to mitigate this additional burden? What about employers in both the public and private sectors paying the extra cost of travelling to and from work? If not we will continue to suffer from the impact and consequences of spatial apartheid.

With the election of Trump as President of the USA and his aggressive confrontation of North Korea, Brexit looming, the rise of right-wing nationalism, chauvinism and proto-fascism as well as anti-Russian belligerence in Europe, melt down in Iraq, Syria and Yemen and the precarious economies in Africa, the world is not a secure place to live in.

In this toxic international environment President Ramaphosa is the incumbent chairperson of BRICS. In this issue of The Thinker, proposes that the President use the opportunity of the coming BRICS Summit not only to invite representative African countries to the Summit but also to invite the main cities to these countries.

As he suggests “yes, mayors and senior officials should be invited to run alongside the summit in much the same way the cities did in Paris with the signing of the Paris Accord on climate change. Everyone knows that the theatre where all socio-economic challenges play out is in our cities, and that’s why they deserve a seat at the big table.”

In the centenary year of the birth of our icon Nelson Mandela and the mother of the Nation Albertina Sisulu – who are loved, admired and respected by the people of South Africa and progressive forces throughout the world – it is the responsibility of all South Africans “united in our diversity” to work together to make South Africa, Africa and the world a better place to live in.

Surely, tomorrow must be better than yesterday and the day before. A new dawn.

We hope so.

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Oscar van Heerden, in his article on in...
TAX INCREASE IMPLICATIONS: HOW IT AFFECTS YOU

Commentators have repeatedly referred to the balancing act that was performed through the tax proposals announced in the Budget, but how does that translate into rands and cents for you?

VAT
Let’s start with the major tax proposal – an increase in the value-added tax ("VAT") rate from 14% to 15% from 1 April 2018. It is anticipated that this will raise R22.9 billion in revenue; a significant portion of the budgeted revenue shortfall of R48.2 billion for 2017/2018. While the increase was widely anticipated and considered unavoidable, it caused consternation for many tax-payers, leaving them wondering how the increase would impact their disposable income. It warrants mention that South Africa’s increased VAT rate is lower than global and African averages, and we should not forget: the 19 basic food items which are zero-rated for VAT purposes (including various grains; all fruit and vegetables; milk products; vegetable oil; pilchards; and eggs). The zero-rated food items, together with the proposed zero-rating of items of necessity such as sanitary towels, goes some way to refute the argument that increasing the VAT rate would have a regressive impact upon the most financially vulnerable in South African society.

The increase in the VAT rate will also be counter-balanced by an above inflation adjustment to social grants. Old age, disability and care dependency grants will increase on 1 April 2018 from the current R1,600 to R1,690; and by a further R10 to R1,700 on 1 October 2018; and child support grants will increase from the baseline of R80 to R400 on 1 April 2018; and to R410 on 1 October 2018. Approximately 17 million South Africans are supported by social grants.

FEE-FREE TERTIARY EDUCATION
R324 billion has been allocated to expenditure on higher education over the next three years, including an additional R37 billion to cover fee-free tertiary education. This constitutes significant progress towards breaking the cycle of poverty and tackling youth unemployment. The cost of tuition for new first year students attending universities and Technical and Vocational Education and Training colleges from households with a combined annual income of R350,000 or less, will be fully funded; and returning students on the National Student Financial Aid Scheme will have their loans converted to bursaries from 2018 onwards.

PERSONAL INCOME TAX
Regarding personal income tax, with effect from 1 March 2018, lower than inflation (approximately 3%) adjustments will be made to the bottom three personal income tax brackets. This means that if you earn up to R423,300 per annum and you receive an inflationary remuneration increase; you will effectively incur the tax rate of a higher tax bracket only to the extent of the difference between the lower than inflation adjustment, and the rate of inflation. This will give individuals earning up to R423,300 annually some measure of protection against bracket creep. Taxpayers earning in excess of R423,300 per annum, will be exposed to bracket creep.

TAX THRESHOLDS
Tax thresholds have been increased across the various taxpayer age groups meaning that if you are younger than 65, the first R78,150 of your income will be exempt from income tax; if you are between the ages of 65 and 75, the first R1,210,000 of your income will be exempt from tax; and if you are 75 or older; the first R135,300 of your income will be exempt from income tax.

TAX REBATES
The primary, secondary and tertiary annual rebates, which you deduct from your tax liability, have also been partially adjusted for inflation and increased as follows:
- R14,067 for all individuals;
- R7,713 for taxpayers aged 65 and older; and
- R2,574 for taxpayers aged 75 and older.
To illustrate, a 65 year old taxpayer will be entitled to deduct R21,780 (primary + secondary rebates), from his/her tax liability, while a 75 year old taxpayer will be entitled to deduct R24,354 (primary + secondary + tertiary rebates) from his/her tax liability.

DWT
If you earn dividend income from a South African resident company or a foreign company, such dividend income remains subject to dividend withholding tax ("DWT") of 20% on the dividend paid (unless you hold in excess of 10% of the equity in the foreign company, in which case you may either qualify for a reduction in the rate of; or a complete exemption from DWT).

TAX-FREE SAVINGS ACCOUNT
Since Treasury introduced tax free savings in 2015, many South Africans have benefited from the merits of this product. Over the next year, your annual contribution of R33,000 up to your lifetime limit of R500,000 remains unchanged. All returns earned in a tax free savings product are free of income tax and capital gains tax. Opening a tax free savings account to include as part of your overall savings portfolio is fundamental and one of the smartest decisions you will make when building your wealth. Oasis and our network of financial advisers will assist you with opening a tax free savings account, if you have not already done so, and guide you through the process of investing with one of the Oasis social and ethical tax free savings products.
Oasis was formed with the belief that a company could deliver a track record of continual excellence, outstanding results and superior returns in a socially responsible and ethical manner. It is a belief that has led us to an unwavering commitment towards our clients, their families and society at large. Over the past twenty years this commitment has made us a trusted global wealth manager and led us to continue and value each decision we make. Because we know that every choice made will impact the lives of our clients tomorrow.

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intensive 12-month clerkship at the Constitutional Court of South Africa, where she worked as a senior researcher and clerk to the Justices of the Court.

Dr Mongane Wally Serote is a South African poet and writer. In 1973 he won the Ingrid Jonker Poetry prize. As a Fulbright Scholar, he obtained a Fine Arts Degree at Columbia University in 1979. In 1993, he won the Noma Award for publishing in Africa. He served as Chair of the Parliamentary Select Committee for Arts and Culture and was formerly the CEO of Freedom Park, a national heritage site. His written works include several acclaimed novels, volumes of poetry and a collection of essays. In August 2012, he was awarded the prestigious Golden Wreath Award.

Neo Sithole holds a BA in Politics (2013) and a BA Hons (2015) with focus on Pan-Africanism and the African Union from the University of Johannesburg. He is currently working on a MA project that looks at the ideas of Bissau-Guinean and Cape Verdean anti-colonial revolutionary intellectual and theoretician Amilcar Lopes da Costa Cabral. He works with Dr Essop Pahad as editorial assistant at The Thinker. His research focus areas include African Philosophy, African Societal Development, Black Consciousness and Pan Africanism.

Ambassador Lin Songtian is the Ambassador Extraordinary and Plenipotentiary of the People’s Republic of China to the Republic of South Africa. He was the Director General of the Department of Foreign Affairs from 2010 to 2014, when he became DG of African Affairs until his assignment to South Africa in 2017. He has previously served as Ambassador in Malawi (2008-10) and Liberia (2003-7). Lin Songtian was the Counselor at the Chinese Embassy in Zambia from 1999-2002 and served in the Chinese Embassy in Saudi Arabia from 1989-90. In between these appointments abroad he held increasingly important appointments at home, with commercial, management and personnel responsibilities leading to his appointment as Director General. He is married and has a son.

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Mandela made bold post his presidency that Cyril Ramaphosa was in fact his first choice when it came to who should be his deputy president and ultimately his successor. So, why is it that others around Mandela at the time felt differently and convinced him into accepting Thabo Mbeki as his anointed successor?

It seems Mandela was overly concerned with the fact that the ANC Presidency had had a Xhosa person at its helm for decades already and that others in the ANC would see this as unfair. But after consultation with many elders and in no small measure Mandela’s mentor, Walter Sisulu, this X factor concern was put to rest, and hence Mandela agreed to Mbeki.

Cyril is the first Venda to occupy the West wing at the Union Building and this achievement speaks volumes with regards to the ANC’s character and principles. To elect a person to the highest office in the land that hails from the smallest tribe in the country sends a clear and powerful message that anyone, no matter what background, class status, gender or tribe can aspire to be President of this great country of ours.

President Cyril, like many of us, has multiple characters that define him. We can talk of Cyril the religious activist, Cyril the trade unionist, Cyril the...
negotiator, Cyril the fly fisherman, Cyril the Nguni cattle farmer and, of course, Cyril the billionaire businessman.

Since his days at school Cyril Ramaphosa felt compelled to fight the Apartheid system and found his calling to do so in the Student Christian Movement (SCM). His activism in the SCM continued during his years at the University of the North or Turluulp as it is affectionately called. A bush college during the 1970s and ‘80s, it also served as a formidable political education training ground. It most certainly is where CR would have cut his teeth in Marxist ideology, historical and dialectical materialism, black consciousness and of course the congress movement traditions. For CR the trade union movement was an obvious choice since he had a passion for workers’ rights and demonstrated such astute abilities in negotiations. This ability stood him in good stead when it came to negotiating the Constitution for the Republic in a hostile multi party environment.

It was only after the completion of the drafting and signing into law of the Constitution of the Republic that he decided to take a break from active politics and enter the business world in earnest. Here, the new legislation with regards black economic empowerment came in handy and he established an empowerment company called Shanduka. Being an astute negotiator and having made some strategic friends in the corporate sector, his business took off like wild fire. This also in part happened because at the time the predominantly white private sector and captains of industry also understood that some black industrialists and entrepreneurs needed to be created to give some semblance of normality post 1994. This enabled Cyril to capitalise on the situation and indeed make billions of rands and create significant wealth. Shanduka played in various sectors such as mining, game farming, telecommunications and so much more.

Though Cyril has remained an ANC NEC member since 1997, his return to active politics must have come as a surprise to himself and many others, especially also because the one that was asking for his return was a rather unsavoury character, Jacob Zuma.

But it seems clear now that a plan was put in place and that his long lost dream would be fulfilled, that of becoming the next President of South Africa.

But Zuma had other plans. For him Cyril was just someone who would legitimize Zuma and his cronies in the then ANC NEC and also a healthy distraction from the real plan.

Zuma from the very start had a plan surrounding his succession and Cyril was never part of it. Only two years after he became President, he insisted that his ex-wife, Nkosazana Dlamini Zuma be forwarded as a candidate for the new African Union Chairperson. This was not necessarily her plan but once the party took the decision she had to adhere to it. Lots of money, campaigning and lobbying took place all over the continent to ensure that her candidacy succeeded. It is apparent now that Zuma wanted this in order to ready his ex-wife for the Presidency of the Republic come the 2017 December Conference of the ruling party.

But Cyril would have none of it. He served President Zuma will diligence and commitment and he served his party with distinction, so why now would they want to strip it away from him again? He readied himself for battle towards the national conference.

It was going to be the mother of all showdowns. It was about the leadership of the oldest liberation movement on the African continent, the century plus five years old African National Congress. For most this was to be a do or die moment in the history of the ANC. Many had told themselves and others that if the Zuma faction wins, their support for the ANC will surely die. For the Zuma faction there was an attitude of good riddance if you do not want to be part of the ANC. Knives were out and the whole world’s eyes were on the Nasrec conference scheduled to take place over five days.

To say tension was high would be an understatement; the whole country was on tenterhooks. Most people were glued to the television and watching just about every news channel in the hope of getting some information about what was going on behind the closed doors of the ANC conference. The Zuma people it seems have the upper hand, so the information would leak and the currency would respond, usually negatively. No wait, it seems the Cyril group is dominating the discussions and resolutions, a sigh of relieve from citizens on social media and the currency again responds, this time positively.

We are all told Conference has entered the election phase of the top six of the governing party now, and we shall await for the more than 5000 delegates to cast their respective votes and for the independent electoral commission to count and verify the ballots. All this, under the watchful eye of the Integrity Committee members of the ANC; these are the elders elected to oversee integrity matters.

It seemed the entire country was in limbo during those fateful few hours, some opting to go and sleep and get the news in the morning whilst others simply made more coffee and stayed up in order to get the results immediately after the verification process. In fact the results were only made available the next afternoon at about three o clock.

There were reliable accounts of recounts upon recounts, the margins between some contenders were just too narrow to call, we were being told by pundits and journalists alike. Never before was the outcome of the ANC presidential election this intriguing. Markets were also playing their part as the currency and the Johannesburg stock exchange rose and fell depending on certain leaks from the corridors of the conference. Delegates were equally being bandied around and money to
The relief, the sense of satisfaction, gratification, consummation and contentment was immediately evident in South Africa, the Continent and around the world. A new beginning had dawned on the southernmost tip of Africa and everyone was excited about it.

But the challenges that remain after almost a decade of Zuma’s misrule cannot be overstated.

The goal posts imposed by citizens have been constantly shifting for Cyril. First, if he and the ANC want support and votes in the upcoming 2019 general elections he had better win the Presidency of the ruling party in December. He did that successfully and then the goal posts shifted again. Now that he is President of the Party, he must get rid of Jacob Zuma or else no vote. Cyril tried his diplomatic way but ultimately had to force Zuma’s hand to get rid of him. President Zuma resigned on Valentine’s Day 2018. Again the posts shifted: now that Zuma is gone, Cyril must get rid of Zuma’s cronies and Gupta aligned members in the Executive branch of government. The reshuffle came, and ten Ministers were told to pack their bags and leave. Still this did not satisfy many in the country, they shift again and want to insist on the reduction of Ministries and Departments as stipulated in your State of the Nation address, Mr President. And finally the latest demand from certain quarters is that Cyril must deal effectively with the waning economy of South Africa.

With a looming general election I’m sure you would all agree that Cyril is in a very peculiar situation. He has already done so much in a short space of time but he also has to be careful about the divisions that still loom large in the ruling party. The former President’s son, Duduzane and some of his Gupta mentors are ‘on the run’ from authorities, the hawks have begun a process of prosecutions involving State Capture, which will certainly implicate existing Ministers and some of their deputies. Individuals from State owned enterprises are also facing jail time.

And there is a situation brewing in KwaZulu Natal involving the Zulu King and his Ingonyama Trust. Basically, the Trust comprise of millions of hectares of communal and/or so-called tribal land over which the Monarch has final say as to who can get what land. This, according to the ‘High Level Panel on Assessment of Key Legislation and Acceleration of Fundamental Change’, is unconstitutional and hence illegal. How he manages these contending priorities and juggles the political balls is the focus of everyone’s attention.

Let us also not forget that the ethical and moral fibre of our society has been eroded by the collusionary practices of so many other Private sector players. Steinhoff comes to mind, where billions of rands of pension fund money has been lost because of reckless accounting and investment priorities. There has been collusion in a number of critical sectors, every time affecting the consumers negatively – the construction industry, the bread industry, the banks with their collusion on bank charges amongst others … and the list continues. This too must remain an area of focus for the President because consumer confidence and trust in the private sector must be restored.

For people forget that he actually has TWO key strategic objectives: the one is the recovery effort of the country, the other the recovery of his own ruling party.

As for the country the challenges remain huge, unemployment is still ballooning, poverty levels remain stubbornly high and our society remains highly unequal. The economy simply does not want to grow and foreign direct investments remain ever elusive.

As for the ruling party, it is a broken ship, lost and drifting on the open seas of political uncertainties.

Its membership system is in tatters – they can hardly provide signed up members with a membership card, which they pay for. The electoral system is open to massive abuse and patronage politics, vote buying is common place. The political education of the cadres of the ANC is non-existent, resulting in poor quality cadres, who think that being involved in the party is for personal gain only. Political careerism is still scoffed at and young people coming into the party do not receive the necessary training to turn them into professional bureaucrats.

This is just a cursory look at these two key challenges and it certainly will take time for President Ramaphosa to
get on top of them.

Then there is still the matter of, ‘Matters of State’. After all, he is the Chief Commander and President of the country. As for the Continent which for all intents and purposes did not receive President Zuma’s full attention, what are Cyril’s plans for the Continent? Not only did we desert the African Union when we took the decision for the Chairperson not to run for her second term but we also allowed the Chairpersonship to go to the smallest (and very corrupt) country on the Continent, which we all know is under the active control of France. How could we? This situation must be remedied immediately.

Old alliances will have to be rekindled and brave new strategies will have to come into play if we are to stem the re-emergence of colonial powers on the continent. Morocco has made a miraculous comeback into the AU and is already making demands about Western Sahara representations in the union. Trouble continues in South Sudan and we have troops in various hot spots on the continent; these need to be managed properly too.

If we turn to world affairs, how must we deal with US President Trump and his wayward tendencies? He calls us and other third world countries ‘shitholes’, demonstrates a repugnance towards immigrant communities and minorities and wants to massively reconfigure the trade and security architecture globally, which will most certainly negatively affect South Africa amongst others.

We also need to see through to the end decisions such as our withdrawal from the International Criminal Court, which is necessary. Also we not only want a reformed UN Security Council but we could position SA towards a permanent seat on it. Our continued participation in the BRICS formation and what ultimately we want to gain and benefit from such a grouping must also remain uppermost in our collective minds.

President Cyril Ramaphosa has a good opportunity as the incumbent Chairperson of the BRICS this year. This is the time to yet again put Africa high on the agenda. Collaboration between DIRCO and DTI in hosting the next session of BRICS is required. In my opinion, the South African government should invite the two key economic powerhouses from each of the four regions on the continent as well as the third economy that show the most promise and growth in each of the regions as well. In other words, in Southern Africa, besides South Africa of course, Angola and the DRC should be invited and Botswana as a third participant. East Africa, I suggest Kenya and Ethiopia with perhaps Uganda as a third participant; West Africa, it would be Ghana and Nigeria and a third participant could be Côte d’Ivoire; and finally North Africa would be Egypt and Algeria with Tunisia as the third participant.

Now, these invitees should not just participate and have a seat at the table. Parallel to the BRICS summit, trade and investment sessions must be held with all the countries, in other words Brazil must sit with the African countries and hammer out a clear trade path. Similarly, China and India must follow suit and all this must take place under the guidance and direction of the South Africans.

Now I know a similar strategy was employed by China at the last BRICS summit, but what could be different with the South African chapter, is that the SA government should also invite the main Cities of these powerhouses. Yes, the Mayors and senior officials should be invited to run alongside the summit in much the same way the cities did it in Paris with the signing of the Paris accord on climate change. Everyone knows that the theatre where all the socio-economic challenges play out is in our cities and that’s why they deserve a seat at the big table.

The Department of Trade and Industry must step up and co-ordinate all these sessions and DIRCO must manage the necessary additional requirements. It is of critical importance that South Africa is clear about what it wants from all these countries, both BRICS partners and its Continental partners.

Cyril must be seen as leading the African delegation; and as such I propose that an African summit in preparation to the BRICS summit be organised by the South African government.

The challenges seem insurmountable, so many matters, so little time. President Ramaphosa has already borrowed from former US President John F Kennedy, when he said. “Ask not what your country can do for you but what you can do for your country”.

His State of the Nation address was such a clarion call. President Ramaphosa was basically saying I cannot do this alone; I need all the help I can get. Civil society, remain ever vigilant and yes do take my government to court if you feel strongly about a matter. Organised labour, do fulfil your duty towards your members but remain a guiding light in the affairs of the ruling party. The judiciary and indeed the Apex Court in the land, your continued contribution in defence of our democracy and constitution must never waiver; and finally, the legislature with all its opposition parties – please continue to represent your various constituencies to the best of your abilities and do hold me and my party to account. For the corner stone of our democracy is not only our constitution but also our multi party governance system.

All these contributions are the ingredients of what can only be described as a strong democracy. A democracy in which we all together say, “We, the people of South Africa, recognise the injustices of our past, honour those who suffered for justice and freedom in our land, respect those who have worked to build and develop our country, and believe that South Africa belongs to all who live in it, united in our diversity”.

Cyril has come a long way to reach the Union Buildings – but remember we have journeyed the road with him; and it is as much our responsibility to see our country succeed.
There appears to be much consternation in the Western media, often bordering on hysteria, about the momentous decision on 4 March 2018 by the Chinese Communist Party (CCP) to change the constitution of China to allow President Xi Jinping to stay in power beyond his scheduled exit from the political stage in 2022. This type of hysteria is well represented by the New York Times which asserts that Xi’s rise is “part of a global trend of strong men leaders casting aside constitutional checks” (22 February 2018). This change would abolish the established two term limit put in place by Deng Xiaoping in 1982 soon after the passing of Mao Zedong in order to institutionalise the rotation of new leadership. This consternation was preceded by another concern following the 19th National Congress of the CCP in October 2017. This is when 2300 party delegates voted unanimously to enshrine Xi Jinping Thought on Socialism with Chinese Characteristics for the New Era into the CCP constitution as an official component of state doctrine.

Taken together, these events are seen, especially in the West, through a conspiratorial prism, namely, as President Xi’s attempt to build a legacy that would establish him in the same pantheon of the great CCP legends and ‘helmsmen’, Mao Zedong and Deng Xiaoping; that China under Xi is heading towards a more authoritarian, repressive, and militarised regime; and that Xi has Napoleonic ambitions to be emperor for life.

The preoccupation with seeing China through distorted Western lenses, fuelled by the typical raw deliverances of sensation, lends itself to find better meaning and understanding through hermeneutics. The challenge is to establish an interpretative framework that attempts to impose order on the significance of Xi’s dramatic emergence since 2012 in terms of his actions, utterances, behaviour, style, convictions, and belief. In short, we seek to examine Xi’s discursive orientation as part of a general meta-narrative about what constitutes ‘Socialism with Chinese Characteristics’ as expressed in his more than three hour speech at the 19th CCP Congress. What actually animates Xi’s speech to the Congress is his cogent intellectual effort to develop a new ethical system for the rejuvenation of Chinese society.
and a different kind of world order that reconciles a register of competing and often antithetical impulses, essentially based on a redefinition of the locus of power in domestic and international affairs.

The ability to manage the unity of opposites has underpinned Chinese history and has really been made possible by a Party and a political culture that is steeped in dialectics, and which draws its lineage from as far back as the Shang Dynasty (16th to 11th century BC). However, under President Xi Jinping since 2012, the dialectical battle and China’s ideological predispositions have been contained within two main axes. The first is the production of new institutions and the overhaul of old ones which are considered strategic to maintaining the hegemony of the Party, the stability of the state, and the socio-political allegiance of a very diverse population. This has been accompanied by a consistent regime of rule-making and a continuous preoccupation with order. The second relates to the reinforcement of political and ideological ties and putting in place the appropriate support mechanisms among certain groups within and outside the party who are engaged in political debate in the media domain and in the widening Sino-phone public sphere.

Managing the tensions that exist within these two axes takes on added significance since the primary contradiction facing the CCP and the Chinese state is the need for synthesis and synergy among China’s divergent ideological discourses and factions. We can discern certain characteristics of Xi’s ideological disposition and his use of power in a prolific outpouring of thought expressions over the past four years since his rise at the 18th Party Congress in November 2012.

By way of contrast, Deng Xiaoping, who was the chief architect of reform from 1975-1982, did not publish his one volume of selected works until after his retirement in 1983 and an expanded version of three volumes only appeared one year later. Similarly, Jiang Zemin’s selected works only appeared in 2006, four years after he left the Politburo in 2002; while Hu Jintao’s body of thinking about constructing a harmonious society and world was only published in 2013, a year after his retirement. What all Chinese leaders share in common, however, is their effort to leave a mark on a vanguardist-style of ideological discourse and policy leadership. These are typically expressed as Simple epigram and conceptual constructs.

In the time of Deng Xiaoping’s rule (1978-1989), this found expression in his ‘four modernisations’ based on the invigoration of China in terms of making it powerful and wealthy at home and abroad; making the CCP a strong presence at national level; and giving all Chinese citizens a better standard of living. For Jiang Zemin (1989-2002), the essence of CCP leadership was to instil a new patriotism through his ‘Three Represents’ campaign: the party’s role was to represent “the advanced productive forces, and advanced Chinese culture, and the fundamental interests of the majority.” During his tenure Hu Jintao (2002-2012) continued this national rejuvenation narrative in terms of his Confucian concept of building a ‘harmonious society’ at home and contributing to a ‘harmonious world’ in foreign relations. As an operational construct Hu introduced the ‘scientific development concept’ to guide his narrative.

As part of this genetic cycle, Xi has authored the idea of the ‘China Dream’ to create the synthetic and synergistic linkages with his predecessors although it is more far-reaching in its meaning and impact. The ‘China Dream’ can be seen as a new expression of ‘Socialism with Chinese Characteristics’, conceived as having a different political ontology and vision but with its roots firmly anchored in Marxism-Leninism. With Xi at the helm of crafting the expressions of the ‘China Dream’, it is in many ways the Party’s way of rejecting the Western idiom of political liberalisation, constitutionalism, separation of powers, civil society, and checks-and-balances.

Xi’s philosophy of the ‘China Dream’ draws its rejuvenation logic from several contextual factors and considerations. Firstly, the 2008 global economic crisis depressed demand for Chinese products around the world and exposed serious cracks and improprieties in China’s political economy that were masked by an environment of fast money, rapid wealth accumulation, huge fiscal liquidity, and high growth. Secondly, maintaining these high growth rates has proven to be unsustainable over the long term since wages will invariably rise and the fast pace and accelerated expansion of China’s drive to modernisation will inevitably be exhausted one way or another. Thirdly and since its auspicious ‘opening’ to the world under Deng Xiaoping in 1978, China has lacked a culture of innovation to drive a fast-modernising economy in the absence of external involvement and access to foreign technology and intellectual property. This helps to explain China’s vast recent investments in human capital and research and development. And finally, over the last two decades China has seen widening gaps and increasing differentiation between rich and poor; men and women; and urban and rural areas.

Drawing on the lineages of Chinese dynastic absolutism and the projection
of state power, the ‘China Dream’ is thus essentially instrumentalist and goal-fulfilling to address these challenges of its new normal: it is rooted in the pursuit of national rejuvenation, rising prosperity, a more advanced socialist society, and a stronger military. Its normative calculus in foreign policy is defined by cooperation, development, peace, harmony, and win-win gains. The ‘China Dream’ can thus be seen as a framing ideological discourse in thought innovation within a Marxist-Leninist canon in order to strengthen the Party and the state in managing many of the domestic and external vagaries that will arise in the new era under Xi’s leadership. It is steeped in a redemptive type of morality where factions must be brought to order; iconoclasts within the party must be purged or disciplined; and corruption, whether by ‘tigers or flies’ must be curtailed. This is important for maintaining the Party’s leading role over state and society and making it more effective as the primary tool of the state management and administration. But above all is the need to ensure that policies are implemented and have the necessary traction in purpose, results, and outcomes.

The ‘China Dream’ is therefore rooted in Xi’s axiom of the ‘Four Comprehensives’ which is to “comprehensively build a moderately prosperous society; comprehensively deepen reform; comprehensively govern the country according to law; and comprehensively tighten party discipline”. These comprehensives are complemented and buttressed by Xi’s ‘Three Self-Confidences’: in his exhortations to the Chinese people to “walk the Chinese road, develop the Chinese spirit, and jointly harness China’s strengths” he urges self-confidence in the path, theory, and institutions of ‘Socialism with Chinese Characteristics’.

In his body of thought, a quintessential driver of Xi’s statecraft is his absolute commitment and devotion to ensure that the CCP will be the perennial ruling party of China in order to carry out his goals and achieve his mission as articulated in the ‘Four Comprehensives’. Drawing very much on Mao’s rhetorical methodology, in Xi’s view there is even more of an imperative for party cadres to cleanse their ideological interiors through “self-purification, self-improvement, self-innovation, and self-awareness.” This evocation of Mao’s continues with the proverbial injunction that every cadre must “take a good look in the mirror, comb your hair, take a bath, and try and fix yourself up.” This is especially important for achieving Xi’s ‘Two Hundreds’ of becoming moderately prosperous society by 2020; and as a major landmark of the Party’s centennial, becoming a fully developed country by 2049.

In his quest to establish party hegemony over state and society, it is very interesting how Xi has resuscitated the Maoist methods of mass-lines in education and practice which gained such notoriety during the Cultural Revolutions but nevertheless was a useful corrective device of criticism and self-criticism. Adopting a Maoist persona serves Xi’s purpose based on the above evocations and injunctions and is his attempt to counter “formalism, bureaucracy, hedonism, and extravagance.” In addition, Xi’s has tried to erase the historical and tendentious distinction often made in separating the post-1949 era of Mao from the post-1978 era of Deng. This is not only meant to challenge some of the revisionist orthodoxy which denigrates Mao and his putative accomplishments but to defend Mao’s legacy; and more crucially, to reinforce the legitimacy of CCP rule since the founding of the People Republic of China in 1949 under Mao’s leadership. In order to maximise the capacity and effectiveness of the CCP’s consultative style of Leninism, Xi has also pressed ahead with greater institutionalisation. So as to enhance levels and methods of consultation, Xi has created new institutions at the apex of decision-making such as the State Security Council and Leading Small Groups for Deepening Reform. Following the importance of judicial process and prosecutorial fairness in the corruption trial of former Politburo member, Bo Xilai, a corollary to governance changes has been enhancing the credibility and transparency of judicial reforms and the administration of justice for ordinary citizens.

The articulation of Xi’s “China Dream” thus takes place in view of these factors and considerations. The challenge has been how to overcome the difficulty of expressing a single ideological meta-narrative and a single Chinese vision of the future. The “China Dream” is thus a dialectical response to the overall challenge of creating and sustaining a liminal discourse; embracing globalisation while rejecting the individualist tenets of capitalism; and claiming national exceptionalism while pursuing global integration in the form of Xi’s Belt-and-Road Initiative (see below). As an ideological composite, the “China Dream” reconciles these opposites by promoting Chinese wealth and power as the quintessential renaissance of the Chinese nation.

This, for example, can be compared and contrasted with Hu Jintao’s modes of Chinese exceptionalism and manifest destiny which were legitimised through the Confucian paradigm of a ‘harmonious society; and a ‘harmonious world’. However and under Xi’s recrudescent Maoism, his leadership has been embedded within a generalised narrative of the virtues and precepts of the ‘China Dream’. To repeat the point differently, this reflects a growing indifference to the modalities of Western democracy and liberalism. The ‘China Dream’ therefore prescribes an ideological path that is a mix of populist nationalism and Party-led statist management and hegemony.
Maintaining this ideological centre of gravity is critical for President Xi and his “China Dream” given the emergence of several different and contrasting strands which are all vying for a place in defining or influencing China’s meta-narrative.

- Firstly, there are the advocates of the China model of growth and development within the CCP, the Peoples Liberation Army, and the general state apparatus. All of these forces are united in advancing the shibboleths of “Socialism with Chinese Characteristics.”
- Secondly, is the “Left” made up of those who retain a nostalgia for the Maoist era (the so-called “Old Left”); as well as academics, intellectuals, and state functionaries who are critical of the excesses of capitalism and who are proponents of a strong Chinese state (the so-called “New Left”).
- Thirdly, there are social democrats who represent a faction of the academic class and intelligentsia as well as inner Party reformers who feel emboldened to speak out more freely in favour of greater social justice and dealing with growing inequalities in Chinese society.
- Fourthly, there are the liberals who are over-represented in China’s metropolitan areas, its main universities, and the eastern establishment as well as in global media houses but which includes a vociferous and increasingly cosmopolitan youthful grouping of pro-democracy and human rights advocates and activists. They are savvy in penetrating the continuous news cycle, and using the internet and various cultural and information invasions.

In managing the centrifugal tendencies that flow from these positions, President Xi – under the ambit of the “China Dream – has implicitly and explicitly become the primary exponent of the China model. He has deftly done so in terms of his ‘Four Comprehensives’.

In international relations, current debate focuses on two competing arguments. The first is that China will disrupt the current balance of power and this will increasingly result in political and economic tensions, especially with the United States. In this scenario, China’s foreign policy behaviour will become more aggressive while seeking to reap the benefits from globalised markets which have brought it unprecedented wealth and prosperity. The second is that growing interdependence will incrementally integrate China into the liberal international order and multilateral system based on cooperation and constructive engagement. Hence, China will become a more responsible global citizen, committed to burden sharing and providing global public goods.

In both arguments, rejuvenation must also be seen in global terms; which is all about how China regains its international stature and power-base as the historical “Middle Kingdom” that once stood at the centre of the universe. It is here where President Xi’s Belt and Road Initiative (BRI) takes on added significance.

Since its inauguration in September 2013 and at the level of ambition, the BRI represents a global framework for economic integration that could dramatically reduce the costs of moving goods, services, and people across borders while making possible multi-country production networks across its land and sea corridors. It brings into its purview a wide diversity of actors with China at the helm, with the objective of promoting its five strategic components: policy communication, land and maritime connectivity, trade facilitation, monetary circulation, and people-to-people exchanges. The scale of China’s commitment to the BRI represents the scope of its global ambition: in November 2014, the BRI took off with the launch of ‘Silk Road Fund’, capitalised with $40 billion. Since then, funding has increased such that by the end of 2016, $296 billion was committed to BRI projects.

Moreover, the BRI has a strong normative emphasis, driven by three considerations. The first is as an endeavour in competitive liberalisation which offers opportunities of increased connectivity for otherwise marginalised regions and people across heterogeneous but contiguous geographies. The second is as a force for mobilising diverse actors such as international organisations, regions, countries, provinces, companies, and universities to use the BRI platform by developing their own fit-for-purpose projects in a permissive competitive space. The third concerns the BRI’s open-ended, flexible, and experimental nature which has been richly informed by the achievements and successes of China’s own modernisation drive since its auspicious ‘opening’ to the world in 1979.

By way of conclusion it would seem that a different set of analytical lenses is required to combat the continuous cycle of sterile stereotypes and huge perception gaps about China in the West, now greatly amplified since President Xi’s emergence since 2012 and his shaping of a new and different discursive narrative as embodied in the ‘China Dream’. The real meanings of change in China must be understood as originating in its historical consciousness, national experience, collective memory, and identity formation and any interpretive attempt has to take these into account as modal foundations in order to avoid simplification and obfuscation. Such a hermeneutic exercise would yield better benefits since we would come to better understand President Xi’s broader agenda with regard to reinforcing consultative Leninism; introducing a more balanced and comprehensive approach to reform; maintaining political and social stability; and making China a more assertive player on the global stage.
Negritude Reincarnated and the Malcontents of African Solidarity

The relentless failure of Africa is premised on the thorough defeat of Pan-Africanism as a philosophy and ideology of political action.

By Ademola Araoye

The dominant narrative of the West in relation to Africa is that the West continues to reluctantly shoulder the White Man’s Burden, tirelessly intervening to save Africans from their own endemic savagery. This perceptual incongruence with reality is a logical derivative of a Conrad Joseph’s notion of the magnanimity of Europe manifested as an emissary of pity, and science, and progress, and in its representation of the higher intelligence, wide sympathies, a singleness of purpose needed for the cause the External Other in Africa has entrusted itself. This convenient false narrative flies in the face of actuality.

The stark fact is that western intervention, whatever rationalisations are adduced for the entrenched culture of ostensible, and actually quack, altruism in Africa, is a crushing bear hug in the interest of the West. This is consistent with the fundamental assumptions directing the operational code of the West that every interaction, whether with friendly allies or adversarial foes, is predicated on the particular and unyielding articulation of the national will and the distillation of its parochial interests as state policy. The global order is founded on that understanding. Africa, characterised by a leadership notorious for conniving with its own traducers for petty little personal gains, has remained at the receiving end of this granite mentality of the West.

The current unedifying state of Africa, especially its seeming inability to forge a common will as a condition to articulate a truly strategic consensus on its holistic emancipation, may be traceable to this granite mindset. The West has also often been assisted by the feeble consciousness of Africa’s early presumed leaders, despite the often larger than life impressions of them fostered by cults in their little obscure enclaves of so called states. The pervasive character deficits of what in the long term perspective may be cited as African political conmen have impeded the construction of the structural foundations of holistic emancipation.

Overall, the relentless failure of Africa is premised on the thorough defeat of Pan-Africanism as a philosophy and ideology of political action and its associated drive for the consolidation of Africa’s weaknesses into one major power with the capacity to effectively leverage its interests as a legitimate player on the global scene.

Instead, the ascendance of a dubious philosophy of Negritude that, while ostensibly seeking to rehabilitate the identity of the African and its descendants in the Diaspora, ultimately denigrated the essences and the autonomy of the African being. The disoriented fathers of Negritude, especially Aimé Césaire and Sédar Senghor, did not envisage independence from France. Rather, they sought to intertwine the destiny of Africa with its tormentors. Negritude, as the ideological plank that drove political action in key Francophone states in its simplistic interaction with the granite mindset of the West, underpinned the ruination of Africa.

It is acknowledged by the leaders of France in sober moments that without Africa, France would no longer be considered a world power. This was acknowledged in 2008, by French President Chirac. In a Defence review in October, 2012, the official French policy was unambiguously reiterated that France views Pan-Africanism as a threat to Western interests in Africa in general and French interests in Africa in particular. A good indicator is the uncomfortable reality for the 154 million citizens of Francophone Africa that five decades after independence, France still calls the economic shots. To protect the status quo, Ilisha notes that French troops intervened militarily in Africa 19 times between 1962 and 1995. More desperate in recent years, given challenges to its hegemony around Africa, France has deployed
troops to protect its interests 35 times in the last 15 years, including recent invasions of Cote d’Ivoire, Libya, Mali and most recently, the Central African Republic. The interventions include:

- DR Congo (Zaire) - Helps Mobutu Sese Seko from attacks by Angolan-based nationalists in 1977 and 1978. France also mobilised to frustrate the African multi-national force that overthrew the Zairoise dinosaur.
- Central African Republic – Backs coup that ousts President Bokassa in 1979. Extra troops deployed to restore order after rebel takeover in 2013. France undermined the initiative of the sub region, led by South Africa, under the FOMAC coalition to protect a democratically elected President Francois Bozize.
- Rwanda - Colluded in the massacres in the country
- Ivory Coast - French force Licorne is deployed in 2002. In 2011, France helps Alassane Ouattara’s rebel forces to over run the country and finally to capture President Laurent Gbagbo.
- Libya - Leads intervention to support rebels against Muammar Gaddafi in 2011. There are allegations that Muammar Gaddafi was shot and killed by a French agent.
- Mali - Forces Islamist militants out of northern cities in 2013. These reflect the major tenets of Negritude propagated by people of African ancestry. This ideology has also been used to support unmitigated hegemonic control of Africa, the entrenchment of the CFA in Francophone West and Central Africa, the horrendous concept and praxis of FrancAfrique, and the ceaseless efforts of France to prevent the emergence of a truly autonomous and radically transformed Africa. In its Hobbesian orientation, war, as the ultimate currency of transactions, is permissible, if guile, as current sensibilities of international society encourage, fails to deliver the desired strategic outcome. Whether by war or by guile, the concept of a win/win resolution in the prisoner’s dilemma in a hierarchically structured global system is anathema to this realist foundational principle of international relations. Franklin D Roosevelt’s injunction thus permits nations in time of grave danger to walk with the devil until you’ve crossed the bridge. Strategic imperatives may thus impose association with questionable allies to achieve unquestionable objectives.

This assumes one fact, however. The concerned sovereign state space is a consolidated nation, with a monistic center of coherent policy projection, anchored in a clearly articulated raison d’être. A national raison d’être is a fundamental requirement in forging a consolidated national sense of identity, a sovereign will. What is not permissible for any people is the use of questionable allies to attain questionable objectives in the manner Africa, at all levels, has proceeded for half a century and more.

Negritude is a movement and an ideology. Policy, flowing from the philosophical planks of this ideology, was closely aligned with the interests of ascendant neo-colonial forces. This development was hinged on rationalisations implicit in what in a longitudinal time frame have proven to be dubious philosophical treatises that remain ascendant even today. Sédar Senghor’s version of Negritude, his latter day version of the anti Pan-Africanist politics of his compatriot Blaise Diagne in the 1920s, ruined at a very early time the march to real post coloniality to be fostered in the politics of holistic emancipation of Africa. Senghor engendered critical discontinuities that ultimately trashed the delicate fabric of the international black intellect. Negritude’s new race consciousness, canvassed as rooted in a (re)discovery of the authentic self, sparked a collective condemnation of Western domination, anti-black racism, enslavement, and colonisation of black people. But Negritude, as enunciated by Senghor, posed a major challenge to the integrity of his tormented black soul.

Aimé Césaire’s original concept of Négritude, as in the Pan-Africanist worldview, was anchored in the specificity and unity of black people. His vision of the unity of the black race and its common destiny was founded in and historically derived from the Transatlantic Slave Trade and the plight of black humanity in New World plantation systems. Césaire’s response to the centuries-old alienation of blacks was a call to reject assimilation to enable the black race to reclaim their own racial heritage and qualities. He experiences his nègritude as a fact, a revolt, and the acceptance of responsibility for the destiny of his race. Césaire’s first published work, Conscience Raciale et Révolution Sociale with the heading “Les Idées” and the rubric “Négrieries”, is notable for its disavowal of assimilation as a valid strategy for resistance and for its use of the word nègre as a positive term. The problem with assimilation was that one assimilated into a culture that considered African culture to be barbaric and unworthy of being seen as ‘civilized’. The assimilation into this culture would have been seen as an implicit acceptance of this view.

For Leon-Gotran Damas, Négritude is a categorical rejection of an assimilation that negated black spontaneity as well as a defense for his condition as black and Guyanese. For him, becoming French requires loss, repression, and rejection of self as well as adoption of a civilisation that robs indigenous cultures, values, and beliefs, of their value and essences. Damas’ Negritude reaffirmed that inalienable centrality of his black heritage over convenient seemingly politically motivated responses to the
existential facts of life.

Senghor fought with the French in the Second World War and became a prisoner of war in then Nazi Germany. He became the Deputy for Senegal in the French Constituent Assembly, President of the Council of the Republic and Counselling Minister at the office of the President of the French Community. In 1960, he became the President of the Federal Republic of Mali and later in the same year, the President of an Independent Republic of Senegal. He was president until 1980. He died in France to which he returned after a twenty year tenure as President of Senegal. His life was so intertwined with the French and the ups and downs of that country that his post-independence policies, both domestic and foreign, were mobilised on a practical and spiritual nexus he perceived between his blackness and French civilisation. This provided the basis of tenuous legitimacy for a very narrowly shared strategic consensus within francophone Africa. This unfortunate Francocentric consensus remains potent and has impeded the evolution of a distilled African continental will across the socio-economic political space of 56 (mostly unviable) state entities.

The Negritude of Senghor, as distinct from the postulations of Aimé Césaire and Leon-Gotran Damas, has historically been problematic for its debilitating implications for Africa across the wide spectrum of socio-economic and political realms. While the troika promoted a quest for authentic African beliefs, values, institutions, and civilisations, unlike his two peers, who strongly opposed assimilation of blacks into France's imperialist cauldron, Senghor peculiarly advocated assimilation of the African in a manner that allows association, "a cultural métissage" of blackness and whiteness.

His theory of black humanism advances notions of a distinct Negro soul, that is characterised by intuition, irrationalism, and crossbreeding to rehabilitate Africa. His appeal for reconciliation and God's forgiveness for France's dehumanisation of blacks through enslavement and colonisation are not followed by logical repudiations of the continued vassalisation of the essentials of his African soul. He, in a catastrophic lapse in a momentous historic moment, envisioned Western reason and the irrational Negro soul as instruments of research to create a Civilisation of the Universal, a Civilisation of Unity by Symbiosis.

Neither Césaire nor Senghor in Senegal envisaged political independence from France. Négritude would, according to Senghor, enable Blacks in French lands to have a "seat at the give and take [French] table as equals". These sad self-negating reflections of a young disoriented African in Paris rightly met with outright dismissal within the critical African intelligentsia in the Diaspora. Dismissing the whole concept of Negritude, Frantz Fanon, revolutionary theoretician, psychiatrist, and former student of Césaire's, considered the concept as too simplistic. In his 1952 book Black Skin, White Masks Fanon aptly denounced the Senghorian notion of black soul as nothing but a white artifact. The centre of gravitas in Senghor's world was France. It seems that he recklessly courted personal validation from the French establishment. His political praxis gravitated around France. His life and worlds were not dedicated to Afrocentric causes. He died in France.

In advancing his embedded propositions, including physical hybridisation of the French and blacks, paradoxically to advance claims of projecting the African soul for rehabilitation, Senghor follows the steps of his compatriot Blaise Diagne, who rejected Pan-Africanism in favour of assimilation of blacks into the French civilisation. To be sure assimilation was the process of scouring and sanitising blacks of their perceived dark heritage, rebirthing a select few, and then integrating them through an immersion into French culture.

A first condition of assimilation is to self-repudiate. But still, some experts attempt to root Negritude in Pan-African congresses. The concept of liberation and freedom in Pan-Africanism and Negritude do not converge. The records are also clear that there were dissenting voices of white masks at the 1921 Second Pan-African Congress that met in several sessions in London, Paris and Brussels. Blaise Diagne and Gratien Candace denounced Pan-Africanism at that conference. The two were French politicians of African and Guadeloupian descent, who represented Senegal and Guadeloupe in the French Chamber of Deputies. The duo, presumably acting under the influence of the French establishment, soon publicly abandoned the idea of Pan-Africanism. Instead of the common destiny of black humanity, a core tenet of Pan-Africanism, Diagne and Candace, and much later, Sédar Senghor, advocated (a still elusive) equal rights inside French citizenship. They also thought that the Pan-African London Manifesto declaration was too dangerously extreme.

The French establishment, through the agency of a misguided and disoriented black elite, has thus been at work to frustrate any meaningful initiative over the centuries to unite Africa. Then, as now, Africa has been trapped in the bogus ideology of a self-repudiating philosophy in Negritude. In many instances the leadership of states and continental institutions, including the African Union, are no more than witting and unwitting proxies of France advancing treacherous notions of their common destiny with their masters. The intrusive engagement of France in the affairs of the continent, including the filling of strategic offices, is a given fact. And, in a peculiar abdication of sovereign prerogative, the management of the Francophone Africa's fiscal policies is consigned to France.

In a March, 2015 article, Simon Allison details the workings of the...
CFA to the detriment of Francophone Africa. He was jailed for his effort by the Alassane Ouattara government in Côte d'Ivoire. Allison observes that in order to shore up its declining power, and eager to tighten control over its former colonies, France contrived mechanisms to ensure its continuing control when it granted flag independence to its colonies in Africa during the wave of independence in the 1960s. The mechanism with the most devastating consequence was the CFA franc. He noted that what the CFA stands for has changed over time. Originally, it was the French colonies of Africa which implied French ownership. Now it is the African financial community or financial co-operation in Africa – more politically neutral phrases that mask the extent of French control.

The CFA franc, created in 1945, was projected as an idea to protect France’s African colonies from a devaluation of the French franc. Post-colonial countries in the CFA zone were required to deposit most of their foreign currency reserves with the French Treasury. The French authorities however dictated monetary policy and determined when and how governments could access the money. The CFA was pegged to the French franc, with France alone able to determine the exchange rate. The arrangement remains much the same 70 years later.

Pierre Canac and Rogelio Garcia-Contreras explained in the Journal of Asian and African Studies in February 2011 four fundamental principles that guide France’s relationship with the CFA countries. First, the French Treasury guarantees without limits the convertibility of the two CFA francs. Second, the two CFA francs are convertible at a fixed exchange into French francs (now euros). That fixed exchange rate can change, but only with French approval. Third, despite plenty of restrictions, there are no de jure controls on the movement of capital within the (CFA) zone. And fourth, the zone members must pool together a minimum of 65% of their international reserves, corresponding to 20% of the monetary base of each central bank, into an operations account at the French Treasury. This last principle is perhaps the most controversial: by depositing such a hefty chunk of their foreign reserves into a French-managed account, participating countries effectively lose control over their monetary policy. CFA members cannot use these funds as collateral to obtain credit because the reserves are held in the name of France. With French representatives on the boards of both CFA central banks, they are almost entirely dependent on French approval to set their own interest rates, or to control the amount of money within their economies – a basic policy tool for governments.

Sanou Mbaye, a Senegalese development consultant and a former senior official at the African Development Bank, highlights that the currency ossifies CFA countries’ economies and prevents them from pursuing policies that may be more successful at promoting inclusive growth. “The CFA franc arrangements keep the western African countries involved in the same economic shape as in colonial times. They provide raw materials to France and import all their manufactured goods. The convertibility of the CFA franc and its free transferability, combined with high interest and exchange rates, keep the franc zone countries in a state of structural deficits that render any development policies irrelevant,” concludes Mbaye.

Perhaps the CFA arrangement illustrates Senghor's characterisation of the black soul as irrational and intuitive rather than reasoning. Senghor seemingly validates Conrad Joseph's malarial induced psycho distortions of a discounted Africanity while implying as weak the authentic claims to an autonomous and African civilisation(s) premised on an experiential logic of understandings of its unique environment before contact with and the imposition of the External Order. African culture and soul were to be rehabilitated through Senghor's peculiar physical hybridisation of the two races and metissage. Senghorian negritude is largely responsible for the compromised integrity and the dissipation of the authenticity of the distilled singular and autonomous will of Africa's peoples. The concept of the singular autonomous will of African peoples is represented in Pan-Africanism and its Afrocentric policy thrusts. Contrasting Negritude, the concept of Pan-Africanism rests on a plank of shared assumptions that flow from the shared commonality of the history of black humanity and the degradation of that shared humanity and the experiential narratives emanating from that history.

Consequently, Pan-Africanist intellectual, cultural, and political movements tend to view all Africans and descendants of Africans as belonging to a single “race” and sharing cultural unity. Pan-Africanism’s sense of a shared historical fate for Africans in the Americas, West Indies, and, on the continent itself, has centered on the Atlantic trade in slaves, African slavery, and European imperialism. Given the horrendous experience of black humanity in the evolution of the global scheme of things, the logic of Pan-Africanism leads directly to the consolidation of the continental space into one national state space. Pan-Africanists have invariably fought against racial discrimination and for the political rights of Africans and descendants of Africans, have tended to be anti-imperialist, and often espoused a metaphorical or symbolic (if not literal) "return" to Africa.

On the other hand, Negritude is the potent source and driver of Africa's sub-parity in the engagement with the external order. Rationalised as the preferred logical outcome through the integration of the will and essences of subjugated Africa with that of dominant France, Negritude constitutes a violent assault on the essential tenet of Pan-Africanism. The unchanging holy grail
of France’s strategic policy in Africa is to ensure in perpetuity its fraudulent claims of special relationship with Africa. It is for this reason that France views Pan-Africanism as a threat to Western interests in Africa in general and French interests in Africa in particular.15

Meanwhile, Africa is deficient in the requisites for a constructive and mutually beneficial engagement with the External Other and its prevailing External Order. Africa, scandalously rich with abundant untapped natural resources, is not a consolidated state space. It is trapped in a contrived and deleterious status quo characterised by fictive sovereignty, contingent nationalisms and en mass identity defection that are directly traceable to the impact of philosophies like Negritude. The true burden of the External Other in Africa, exemplified in the Democratic Republic of Congo, or Congo (Brazzaville), or Tchad or in Gabon, in Côte d’Ivoire, in Liberia or in Mali, Guinea, is how to sustain the Conradian enabling epistemology to legitimise the sustenance of a crippling environment favourable to contrived iron-clad dependence.

The end goal is subjugation to facilitate illicit and systematic hemorrhage of national and continental wealth to western capitals. Or better still, the continued rape of the continent. The end of the Cold War and the passage of many of France’s African stooges in Senegal, Côte d’Ivoire, Gabon, Central African Republic have proven challenging for France. Drawing lessons from policy failures and setbacks in what hitherto were considered entrenched French strongholds in post Houphouet Boigny Côte d’Ivoire and post Omar Bongo Gabon, France has rejigged its security and foreign policy to strengthen its hegemonic control over its neo colonies. In Côte d’Ivoire, the death of Houphouet Boigny, the patron of French interests in West Africa, in December 1993, led to a crisis of French interests as a radical African nationalist, Laurent Koudou Gbagbo emerged as leader. This followed a succession of lacklustre French stooges including General Robert Guie and Konan Bedie, the permanently inebriated and indulgent godson and political heir of the late Houphouet Boigny.

In my book Côte d’Ivoire, the Conundrum of a Still Wretched of the Earth (AWP, 2012) I show that the Ivorian conflict presented France with a major crisis of its continued political and economic control over Côte d’Ivoire in the post Houphouet-Boigny era. The crisis also posed a significant threat to its continued hegemony in West Africa. Or, in the hypothesis of Franck A Zagbayou, France presented Côte d’Ivoire with a crisis in order to consolidate its control over the country and, related to this, its continued hegemony of the West Africa sub-region.12 I noted that the complex of relationships between the Francophone African states and France formed by far the most comprehensive set of mechanisms for maintaining control over African states and their rulers. It had no equivalent either among the colonial powers or in the clientele networks established by the United States and the Soviet Union.13 The complex relationship also implies that France is deeply implicated in the evolution of the political process in these Francophone countries. This complexity has been manifest in France’s role in the Ivorian conflict. France, a central, and increasingly an open player in the crisis, found itself overtly on the frontline of the Ivorian quagmire.14 As such any understanding of the Ivorian conflict depends on an awareness of France’s role.15 For many key French policy hands on Africa, it is the only continent where France is still first. Abandoning it is unthinkable. France needs Africa to persuade itself, and the rest of the world, that it counts for more than a once-imperial, now middle-ranking European power.16

The elimination of Sankara was only one strand of a complex long term strategic plan to put West Africa solidly in the pro-Western conservative mould, in this case to consolidate French hegemony.17 The elimination of Sankara was only one strand of a complex long term strategic plan to put West Africa solidly in the pro-Western conservative mould, in this case to consolidate French hegemony. A decade earlier, on 13 February, 1976 Nigeria’s radical national hero Murtala Mohammed was murdered and removed from the scene. Nigeria has yet to recover from the devastating impact of the truncation of the most revolutionary moment of its national history. This followed a pattern that entailed the ousting of Kwame Nkrumah in Ghana on 24 February, 1966. Before then Togo’s President Sylvanus Epiphanio Olympio was assassinated on 13 January 1963 for being too friendly with Anglophone West Africa and proposing to build a sea port in Lome. The plan to build a port in Lome ran counter to the decision of France to have only one port in Cotonou.

Sekou Touré was the luckiest of the early radicals. He survived a Portuguese invasion in 1970. Touré was an inflexible hardliner in the defence of the liberty and dignity of Africans from foreign domination. He also promoted Pan African vision including the ideal of African unity and collective self-reliance. Touré actively
supported (militarily and otherwise) national liberation movements on the continent, including in Guinea-Bissau, Cape Verde, Angola, Mozambique, and South Africa. To undermine him, the Portuguese launched an attack on Conakry in 1970 ostensibly to rescue Portuguese Prisoners of War, but really to overthrow Touré’s regime, and destroy PAIGC bases. They succeeded in assassinating Amilcar Cabral, a revolutionary nationalist and fecund revolutionary mind and practitioner. The Portuguese intelligence services succeeded in everything other than overthrowing Touré’s regime. These were the heroes of Sankara. Sankara’s killing was thus an element of a grand scheme that had unfolded long before he came onto the scene. The assassin Blaise Compaore was another common criminal in the hands of very visible forces determined to continue with the ruination of progressive Africa. Sankara’s memory stands as a stout monument to the unquenchable flicker of hope of emancipation and the permanence of the integrity of a true revolutionary impulse that is possible even in Africa.

Sankara’s immediate crime was a simple one. In a bilateral negotiation, he admonished France to respect the contributions of Burkinabes to the French economy even if all they did was clean the streets of France. By this challenge Sankara antagonised France’s prefect and overseer of France’s interests in the sub region, Houphouet Boigny in Abidjan. Boigny had to put this revolutionary gadfly to rest. On 15 October, 1987, Compaore deployed murderous elements of the Charles Taylor led National Patriotic Front of Liberia (NPFL) that were hybernating in Ouagadougou to assassinate Sankara. The NPFL brutes had camped in Ouagadougou on returning from their training base in Libya and were awaiting the green light and the required military supplies from Houphouet Boigny in Abidjan to invade Liberia through ivorian territory. Meanwhile, France’s implication in the evolution of the political process in the post Houphouet-Boigny Côte d’Ivoire era, which had been dominated by the long crisis of succession that culminated in the Ivorian conflict, is consistent with the general axiom that Africa’s relations with Europe since the sixteenth century have been defined by the constant interaction between the ambition of one against the reaction of the other.17 In spite of changes of tectonic magnitude in the international system in the post-Cold War era as well as the demise of apartheid in South Africa that brought to an end the last bastion of direct and open domination of blacks on the continent, France’s ambition to consolidate its control over Francophone Africa and to dominate Black Africa has been a recurring theme in its involvement in crisis situations on the continent.

The Rwandan ambassador to Paris, Jacques Bihozagara, highlights that French connivance in the 1994 massacres in his country stemmed from concerns about its diminishing influence in Africa.18 This ambition remains a major factor, if not the decisive one in the appreciation of France’s role and its complicity in the Ivorian crisis. That role of France was set against a backdrop of apprehensions about the possible intentions of the United States to exploit the crisis in Côte d’Ivoire to undermine France’s power in the sub-region in less than a decade after its seeming humiliation by the United States over the fate of Mobutu Sese Seko of Zaire. In that episode, the United States’ unusual direct engagement, in collaboration with Nelson Mandela’s South Africa, was instrumental in finally neutralising and ousting Mobutu against the objection of France, which was prepared to intervene militarily in the battle for Kinshasa to save the dictator. These fears were critical considerations in French policy objectives in the Ivorian conflict. France exploited to the fullest the legitimacy conferred on the deployment of its forces under the mandate of UN operations in that country. It seized the opportunity to strengthen its military presence in Côte d’Ivoire in readiness to use its military might to advance its real goals: to protect its concrete imperialist interests in Côte d’Ivoire,19 and retain its status as the foremost power in black Africa.

To achieve these goals, France mobilised a Houphouetist domestic constituency in Côte d’Ivoire. It strengthened diplomatic relations with its old ally Blaise Compaore and provided Burkina Faso with weapons. It encouraged the traditional friends it had helped to sustain or return to power, including Omar Bongo of Gabon and Sassou Nguesso of the Republic of Congo, who had overthrown a democratically elected government and whose return to power through the force of arms was financed by the French company ELF, to join the peace process.20 Through these moves, France was effectively represented at the sub-regional and continental fora where important decisions were being taken on the way forward. The involvement and close collaboration of the traditional friends of France in Africa, with their metropole in the Ivorian peace process, ensured that France would retain its control over the substantive direction of the Ivorian peace process.

Beyond the rhetoric of seeking a resolution to the conflict, the interests of Côte d’Ivoire were marginalised as many of the intervening actors equated a viable and sustainable resolution of the conflict with the protection of the interests of France and its friends such as Burkina Faso, who all sought to keep Côte d’Ivoire within the Francophone family and thus under French control. In this connection, the interests of France converged with those of Burkina Faso and Mali and, in general, with the CFA states of West Africa. Côte d’Ivoire contributes 40 percent of the total financial resources of that economic zone, and its continued effective
participation in the life of that bloc was critical for continuing of France’s control of the sub-region. The continued existence of that bloc also facilitated the French goal of impeding or preventing the evolution of a truly sub-regional economic community across colonial and linguistic lines. These lines are given greater accentuation under the rule of French conservatives.

The hegemonic interests of France acquire particular salience in relations with its ex-colonies during the rule of the conservative right. As such, relations between the right wing government of France and its ex-colonies are often tense, as the in case of President Laurent Gbagbo, who had a good entente with the French Parti Socialiste government led by Lionel Jospin. The neocolonial policies of the French conservative right go to the heart of the crisis of French hegemony in Africa. Guy Laberty, an influential member of the French Parti Socialiste, observes that if France continues to have its Security Council veto, its foundations lie essentially in its colonial history. The ingratitude of the French right under President Jacques Chirac vis-à-vis its ex-colonies would serve no purpose for the French people who are desirous of being in the partnership for the modernisation of Africa.

Laberty stresses that France’s problems in Africa arose from its continued application of outdated strategies to maintain its domination through support for dictatorial regimes without democratic openings. He observes that the majority of the presidents in Francophone Africa come from the military ranks that were instructed by French trainers in conservative ideas. With particular reference to the crisis in Côte d’Ivoire, Laberty affirms that with the fall of the Berlin Wall, France lost its influence in Africa under pressure from the United States and with the emergence of new political forces in Africa. The new political forces were exemplified by the likes of Laurent Gbagbo in Côte d’Ivoire, who had taken risks for democracy and political pluralism. France, he highlighted, was completely at odds with this new generation of African leaders. As regards concrete steps to equilibrate relations with its ex-colonies, Guy Laberty highlights that France needed to undertake reform in a number of areas including in the monetary CFA arrangements at the quickest pace. Also, in the face of the play of open market forces, France wanted to preserve its empire based on the big monopolies of French enterprises. Further, bilateral defense agreements between France and its ex-colonies had proven to be inefficient and in fact dangerous for Africans.

On the crisis in the Central African Republic, elsewhere I have adumbrated that the unremitting blood-letting in Central Africa along ethno-religious lines was not inevitable. Africa seemingly got it right in Central Africa in late 2012. It mobilised militarily to put in check the murderous Seleka to protect the presidency of the democratically elected Francois Bozize. Supported by aspiring regional power South Africa, the Economic Community of Central African States (ECCAS) put together forces from Chad, Gabon, Cameroon, Angola, and the Republic of Congo to create a mainly African force: the FOMAC. But Africa miscalculated the intentions of France. President Francois Bozize had broken the golden rule of regime survival in any Francophone state in Africa by inviting and deploying South African forces to protect him. The leading force in the FOMAC, South Africa, has still to demonstrate in depth appreciation of the subtleties required if it is to achieve its political objectives to emerge as a strong continental power.

It is of course the avowed strategic interest of France to prevent the emergence of such a pivotal African power on the continent. If in doubt, South Africa ought to have asked Nigeria about this. Yet another factor that impacted the humanitarian fiasco in the CAR was the mortal threat perceived in the West of China’s economic expansionist programme in Africa. The massacre in Central African Republic resulted from the interaction of these factors.

Shorn of all rhetoric, the massacres in Central Africa expressed the catastrophic consequences of realpolitik in a fragile African state environment. The so-called “humanitarian” manoeuvres by principally France and its ally USA, were just the tactical footwork of an amoral world leading states in pursuit of their larger strategic objectives. It is the essence of games that nations play to camouflage the horrible reality of struggle for strategic ascendancy. In this, both Francois Bozize, the deposed President of the Central African Republic, who had the sympathy of African states, and the leader of the coalition of butcher organisations under the umbrella of the Seleka are mere inconsequential pawns in this tragic history of another Francophone state.

President Francois Bozize broke all the golden rules. It is trite to assert that the first law of regime survival in Francophone Africa is not to threaten the interests of the creators of the state. As Bozize went ahead to extend a 2007 military cooperation agreement with South Africa, he was committing one of the two cardinal sins that have brought a horrific dimension to the long history of instability in the Central African Republic. The Department of Defence of the Republic of South Africa on 6 January 2013 reissued a public statement confirming that an agreement between the Government of the Central African Republic and the Government of the Republic of South Africa concerning Defence cooperation signed in Pretoria on 11 February 2007 had been extended for another five years. The Memorandum of understanding in its preamble expresses the willingness of both parties to acknowledge and demonstrate their mutual commitment to the formation and development of their defence relationships. The public reissue
of the Agreement which promotes co-operation between the Parties on peace and stability and the training and capacity building of military personnel through the exchange of trainees, instructors and observers had become necessary as President Zuma was contemplating the deployment of 400 men to bolster its special forces that were protecting the Central African President and also strengthen the FOMAC in Bangui. This reinforcement was important as appeals made to the international community to shore up a distressed democratically elected president went unheeded. Despite the notoriety of the advancing Seleka, France, waiting in the wings to rub the nose of the South Africans in hot African pepper, conveniently stressed that the bloody rebellion in the CAR was an internal affair. It mischievously called for dialogue. The United States evacuated its mission. It went mum.

The 200 men eventually deployed by South Africa to help local troops could not contain the largely Muslim rampaging Seleka, who were said to have numbered over 3000 men and boys. As the Seleka took Bangui in March 2013, South Africa lost 13 men, the heaviest military loss of South African Defence Forces since the end of Apartheid. Overwhelmed by the rag tag Seleka militia, South Africa’s rating as a credible bulwark against political adventurism took a nose dive. This was exactly where France wanted South Africa; to be perceived as an imposter in the French African exclusive pre carre by the Elysee. South Africa had to learn that its good intentions are not enough. Half-hearted military deployments don’t stop mad men on their trails. Nigeria, still yet to codify the losses in men for its altruistic Afrocentric political sentiments and its thankless interventions, learnt this in Sierra Leone and Liberia fighting the Revolutionary United Front (RUF) and Charles Taylor’s National Patriotic Front of Liberia (NPFL). Leadership in these volatile political environments are very costly.

The enabled victory of the Seleka demonstrated the sheer recklessness of attempting to share the African Francophone social-economic political space between France and any other force as was contemplated by Francois Bozize. In the course of subduing the countryside, according to Human Rights Watch documents, from February 11 to June 2, 2013, weeks after it had taken Bangui, Seleka gunmen in an orgy of violence killed at least 40 civilians, and intentionally destroyed 34 villages or towns. About this same time, the International Criminal Court (ICC), in collusion with France, indicted deposed President Francois Bozize for human rights violation. It was in this context that African states initially refused to recognise Djotodia as president. This set the stage in August 2013 for the deposed President Francois Bozizeto make public his intentions to seek to regain power and see the rebels ousted. Accordingly, he announced the formation of the Front for the Return of Constitutional Order in the CAR. As the bloody scenario has unfolded, the emergence of the Christian anti-Balaka militants, a response to the immense brutality of the Seleka against unarmed Christian civilians, has had devastating consequences for the Muslim community. This has further polarised the crisis on ethno religious lines.

Michel Djotodia worked earnestly to earn a reprieve from the West in the hope that this would translate to silence of the ICC. The ICC has a record of shyness with villainous friends of the West. (Guillaume Soro and Allasane Ouattara of the rebel group Forces Nouvelles in Côte d’Ivoire come to mind.) Djotodia’s first initiative was to pacify France and important western constituencies for the second sin of Francois Bozize. He began a review of contracts awarded to South African and Chinese companies under his defeated rival. This was to signal to Paris that he was prepared to reverse Bozize’s ahistorical flirtations with dangerous notions of a diminution of France’s stature in CAR by sharing defence and economic control with South Africa. In this Francois Bozize is in the same league with Laurent Gbagbo of Cote d’Ivoire – another victim of French influence at the ICC. Djotodia’s final destination is expected to include the abrogation or a time lapse of the Defence Agreement with South Africa. The new strongman and warlord’s review of Chinese interests in the country was to send a strong signal to a panicky Europe and the United States over Chinese growing influence in Africa. Resurgent Chinese focus on the economy is a prelude to future serious political implications globally. Where else to begin than in the continent historically most acceptant of comprehensive foreign domination?

Against this backdrop, France’s role in keeping its pre carre under tight rein is a kind of service to its western allies who every so often signal their cynicism over the wide gap between France’s rhetoric as a “friend” of Africa and its practical interventions that are clearly driven by its fear of a loss of international stature and being supplanted by a truly independent and autonomous Africa in control of its destiny. It is in this context that the blunt public denial of the claims by South Africa. In this Francois Hollande was going to appeal to other European nations to bolster a self-serving French intervention tagged as a Peacekeeping mission in the Central African Republic beyond logistical aid.

The role of the United States has been predictable. Beginning December, 2013, the Obama administration was committing to stabilising the CAR in response to a request. Obama directed Secretary Hagel to authorise US AFRICOM to help with the transportation of forces from Burundi to the CAR in coordination with France. The American President asserted that the US initiative was part of an international action to “avert” a humanitarian and human rights catastrophe in the Central African Republic. This is consistent with the arcane logic of international interventions.

As the tragedy has unfolded, South African society, x-raying the cost of its engagement in the CAR that is actually modest by ECOMOG standards, reminded the Zuma administration of its legal duty to enforce international human rights law by initiating the indictment of Djotodia through the
The initiative was announced on 28 August to push what was described as a new phase of relations between Africa and France. The membership is a perfect demonstration of hybridisation of the destiny of French and Africans anticipated in Sédar Senghor's Negritude.

The establishment of a Presidential Council for Africa is highlighted as inscribed in the campaign of President Emmanuel Macron in relation to the renewal of the partnership between France and the African continent. It aims to give a new face to relations between Africa and France through its joint composition bringing together African and French personalities of France in civil society. Charged with bringing new clarity at the political level to the President of the Republic on Africa, the CPA brings together a dozen personalities from civil society. These persons were chosen for their investments in relations between Africa and France in the areas of entrepreneurship, health, sports and culture. French speaking though not necessarily originally from francophone Africa, they have demonstrated by their actions in favour of development in Africa their will to be engaged in a partnership of shared opportunities between France and Africa. The mandate of the CPA is:

- to bring clarity to the state of play in the relations between France and Africa;
- to formulate concrete actionable proposals in relevant areas relations between France and Africa such as entrepreneurship, sustainable development and education;
- to bring to the attention of the President of the Republic African perceptions of France’s policies in Africa, in particular the perceptions of African youth; and
- to develop linkages with African civil society and to take their concerns into consideration.

The young black storm troopers on behalf of France hegemony in Africa include; Sarah Toumi, franco-tunisienne, 30 years, Karim Sy, franco-libano-malien, 49, Karim Nomaza Nonggunta Koupe, South African, 36, Vanessa Moungr, franco-tchadienne, 33, Yvonne Mburu, Kenyan, 35, Jeremy Haidenberg, French, 43, Liz Comis, French, 36, Yves-Justice Djimi, French, 36, Diane Binder, French, 37, Jules-Armand Aniambossou, franco-béninois, 55, Jean-Marc Adjovi-Boco, franco-béninois, 54, Sarah Toumi, franco-tunisienne, 30.

The play master is busy while Africa snores.
THIS IS OUR SEASON
Best leagues and cup competitions. Every game that matters.
On the one hand federalism is seen as a mechanism which further institutionalises the inequalities in society and, on the other hand, it stands in the way of the radical restructuring of society through the use of state power.

By Bhaso Ndzendze
The institution of traditional authority and the great import it has had on the South African experience has been the subject of intense study. From this scrutiny, traditional leaders have emerged as “decentralised desposts” (Mamdani, 1996) and as the compromisers of democracy (Ntsebeza, 1999), while at the same time as not wholly irrelevant or anathema to the process of democratic consolidation in post-1994 South Africa (Williams, 2004). Moreover, that they have been seen as indispensable role players in rural development by the South African government makes it clear that the institution of traditional authority, to the chagrin and surprise of many analyses, has in some ways garnered more power in the wake of the democratic transformation, despite their historical role. They have emerged, in some sense, stronger.

What is clear is that in the successive eras of colonialism and latter-day apartheid, London and then Pretoria, were the dominant partners (Davenport, 1977: 277) in the exchange since they “wrenched away” a great deal of the autonomy which the traditional rulers once had (Hendricks and Ntsebeza, 1999: 100). In many ways, 

...colonialism caused fundamental damage to the role of chiefs...it transformed chiefs from independent representatives of various people into government officials, appointed by the new colonial power and paid a salary. Shorn of their judicial power and prevented from performing their traditional functions, their pre-existing worlds of authority were dwarfed by the overpowering force of colonialism.

As was the intention behind its introduction, “the Bantu Authorities Act finally rendered traditional leaders part of the state’s bureaucratic machinery. The net effect of this Act was that traditional leaders became important agents in the government’s strategy of extending control over Africans in the countryside, through the establishment of “reserves”, “self-governing states”, “homelands”, and later so-called “independent states”” (Khonou, 2011: 280).

“But chiefs,” Hendricks and Ntsebeza (1999: 101) observe, “have done more than merely survive.” Indeed, “their revival in the 1980s and consolidation in the 1990s has led to a self-assured political posture” (Hendricks and Ntsebeza, 1999: 101). Today, these leaders or their descendants are granted more agency insofar as they are able to engage and coalesce with the government in a manner that is comparatively more on their terms than imposed and delegated from above. Arguing the case for the incorporation of traditional leaders in local governance, Ismail (1999: 5) has stated that in political terms, “it is not possible to talk about African renaissance without detailed and systemic analysis of indigenous systems on the one hand, and comprehensive prescriptions on how to integrate these into the western model of liberal democracy, on the other.” For Ntsebeza (1999: 16), the continued existence of traditional authorities, with greater powers than they had during the colonial and apartheid years, 

...raises questions about the legitimacy of traditional authorities and the possible resolution of the identity of rural inhabitants in the former Bantustans in post-1994 South Africa, whether rural residents will continue to be subjects under the political rule of un-elected traditional authorities, or whether they will enjoy citizenship rights, including the right to choose leaders and representatives, that the South African Constitution confers on all South Africans.

Indeed, leading up to 1994, their days of legislative power had seemed to be numbered. For example, most rural residents of South Africa anticipated that land allocation, “in keeping with the democratic principles proclaimed in the constitution” (Ntsebeza, 1999: 15), would fall into the hands of the then incoming, newly elected councillors.

Nevertheless, rural South Africans, in line with the substantive-redistributive perception that they hold about democracy, have come to embrace the traditional leadership institution because of its linkage with the delivery of development. Traditional communities “seldom believe that they must make an either/or choice concerning democracy and the chieftaincy, but instead search for ways to combine the two” (Williams, 2004: 115).

A survey that was conducted in 1996 found that 61% of rural citizens (or perhaps subjects) believed that the chieftaincy “had a role to play in the new South Africa” while only 41% believed that there was a “conflict” between the chieftaincy and democracy (Africa and Mattes, 1996: 16). Interestingly, 50% stated that the institutions of traditional authority should have representation in local government (Africa and Mattes, 1996: 16). These findings are consistent with Williams’s (2004: 120) findings in the Northern Cape, the Eastern Cape and KwaZulu-Natal where “most local communities seem to want both the chieftaincy and democratic institutions, especially if they work together to bring development.” For many people living in rural South Africa, “the chieftaincy is not an obstacle to democracy, but a necessary ‘intermediary’ which will ensure that change occurs in an orderly and familiar way” (Williams, 2004: 121). Additionally, and importantly for the purposes of this paper, it is worth noting that “the extent to which chiefs can straddle their distinct ‘official’ and ‘unofficial’ positions in the post-colonial state depends on their ability..."
to act in ways consistent with the underlying political values in the community” (Williams, 2004: 123).

As a result, the chieftaincy continues to exercise direct authority over about 45 per cent of the population of South Africa (see Williams, 2004). The central government officially recognises over 1,600 chiefs and headmen (RSA, 2003: 39). The chieftaincy does not appear to threaten the durability of the democratic regime, in some instances they even foster democracy by, for example, facilitating elections; as seen in a rural KwaZulu-Natal village with intense African National Congress (ANC) and Inkatha Freedom Party (IFP) rivalries (which could turn violent; historically they have) where one chief worked tirelessly to ensure that the 2000 elections were undertaken in a manner that was free, fair and smooth. Nevertheless, the chieftaincy “does have an enormous influence on the daily lives of millions of people” (Williams, 2004: 118). Almost half of the country is under their rule and this has profound implications for the way in which we portray South Africa and the way South Africa portrays and understands itself.

This article argues that on the basis of the Constitutional recognition of traditional authorities, South Africa’s governance structure, the pathways created and realities nurtured and constructed, resemble those of a federal state. The factors which necessitate this fact are not only legal-constitutional, but are also structural in nature. A key component of this argument is that federalism is itself a diverse experience; federalism occurs in a continuum and each federal state partakes in one sort of federalism over another due to geographical, social, economic or historical circumstances unique to that country. And so therefore no two federal orders are similar.

A Federal South Africa

Federalism, as defined by the eminent Australian scholar Robert Garan, is “a form of Government in which sovereignty or political power is divided between the Central and local Governments, so that each of them within its own sphere is independent of the other” (Garan, 1929: 230). Paleker (2006: 309) expands the definition by characterising federalism as a political system which creates in a country “two broad levels of government with assigned powers and functions originating from a variety of factors and political bargains, and displaying a tendency to persist through active response to the challenges of changing environment by a process of adaptation through creative modes of institutional as well as functional relationship”. Along more traditional lines, K C Wheare set the following as a pre-condition of whether a system is to be defined as a federal one or not:

“The test which I apply for Federal Government is then simply this. Does a system of Government embody predominantly a division of power between general and regional authorities, each of which, in its own sphere, is coordinated with the other’s and independent of them? If so, that government is federal” (Wheare 1964-62).

This is clearly, in the wake of the New Deal’s introduction of social security and post-9/11 surveillance measures in the US, only partially true. Under President George W. Bush, the federal government of the US centralised and brought to the national agenda major policy areas that had previously been under the control of states and localities. Some of these areas are education testing, infrastructure, sales tax collection, and emergency management (Posner, 2007: 390). Moreover, while the German social welfare system is officially decentralised (Cox, 2001), it is also true that German federalism “does allow the national government to help poor people in poor subunits, and which does create a degree of protection against large disparities in wealth among subunits” (Sunstein, 1993: 425). It must also be taken into consideration that “modernization has replaced the static relationship of power with a dynamism that makes federalism as much a process as an institution. The process of federalism, accelerating during the twentieth century, has moved power consistently from the states to the national government, despite occasional rhetoric to the contrary” (Duncan and Goddard, 2003: 80). Thus the concept of federalism appears to occur along what may be labelled as a continuum. Indeed such illumination of idiosyncrasies is the endpoint of federalism.

The work of Pelaker offers an update and a structural corrective to the conception held by Wheare and other traditionalist conceptions of federalism. According to Pelaker (2006: 305), “if a federal polity is to be a working system, neither the general government nor the regional government can operate in isolation from the other. Therefore, some students of modern federalism prefer words like ‘potentiality and individuality,’ ‘coordinate’ and ‘autonomy’ to ‘independence’ for a more appropriate expression of the relationship between the general government and regional governments in a federation.”

Historically, with regards to the modern period, the Constitution of the United States (1787) is regarded as the very first experiment in establishing a federal system of government (Paleker, 2006: 303). Subsequently, federalism as a system of political organisation was embodied in the Constitutions of many other countries such as Canada (federated in 1867), Brazil (in 1891) Australia (in 1901), and India (in 1947).

Decentralisation, a primary feature of federalism, has been the main route through which public goods and services have been delivered to South Africans. A 2014 report by the Public Affairs Research Institute (PARI) entitled ‘The Contract State’ notes that: the procurement of public goods and services takes place through a system that is highly fragmented and decentralised. In some cases, the
very outsourcing is itself outsourced. In other words, in South Africa today there are literally tens of thousands of sites and locations where tenders are issued and awarded and where contracts are managed for the performance of all manner of services and functions (2014: 44; emphasis added).

PARI found that, for example, in the Eastern Cape province alone, there are over 4000 sites for the procurement of certain goods and services. On this basis alone, where the government has handed over such a delicate task to the various localities, South Africa would certainly be classified as a federal republic. Indeed, even a proclaimed federal republic as is Brazil has a more centralised approach to service delivery. According to Item XVII of Article 22 of its constitution, the federal government of Brazil has the exclusive power to legislate on the rules relating to the bidding process as well as the ensuing contracting carried out by government agencies, public enterprises and corporations, its federal bodies, municipalities, districts and states. In practice, therefore, the government sets out the general rules for public-private partnerships (PPPs) of the states and municipalities (although some states, such as São Paulo and Rio de Janeiro have their own laws on PPPs).

Kriek (1995) has measured the South African constitution using the three different models, the compact model (federalism that rests and acts on the notion that the federal government is only a creation of the states, and thus they are more powerful), the dual (federalism that is characterised by a distinct federal-state level government) and the co-operative model (as seen where there is more federal involvement in state matters). He argued that the interim constitution of South Africa, which was the basis of the present one, could be described as a federal one since it corresponded quite closely to the co-operative model (Kriek, 1995). In his view, not only is South Africa federal, but “if you put the South African procedure on the index, it could rank very high; more or less as high as the Australian and American cases” (1995: 86). The line of reasoning employed by Kriek is based on the fact that “there are bodies outside parliament that must concur to change the constitution in some respects; the connection with the powers, functions and boundaries of provinces.” While this paper agrees with Kriek’s take on the constitution, it nonetheless expands the scope of the extent of South Africa’s federal standing. And while basing its central claim on de jure notions, it also incorporates non-constitutional realities where relevant.

William S. Livingston (in Osaghae, 1995), classifies a society as federal insofar as it displays a territorial delineation of various social cleavages such as, for example, culture, language or ethnicity. For him, the essence of federalism lies in the nature of the society it serves, and not necessarily the written constitution. Livingston is recognised, therefore, to be the first exponent of the “sociological theory” of federalism. The central thesis of the sociological approach is that it is the federal nature of society that gives birth to the federal political system. One important condition laid down by Livingston is that diversities must be territorially grouped, in order to result in the formation of a federal union. Livingston, for example, redraws a federal government as “a form of political and constitutional organisation that unites into a single polity a number of diversified groups or component politics so that the personality and individuality of component parts are largely preserved while creating in the new totality a separate and distinct political and constitutional unit” (1956: 9).

Another exponent of the sociological approach is Wildavsky. Wildavsky uses Australia as an example of structural federalism, a framework, in his view, that had been devised and adopted so as to retain the unity of the Australian people as a single nation. The United States, on the other hand, serves as an example of “social federalism” since it was adopted largely due to the pluralism observed in “the social make-up of territorial, religious and other diversities located in distinct geographical areas, corresponding roughly to boundaries of the States which united under the Constitution of 1787 to form the federation of the United States” (Paleker, 2006). Another example is India where most state borders are drawn along “linguistic” lines (Stern, 2003: 107).

Thus this article adopts the essential aspects of both Kriek and Livingston’s theses. Importantly, however, it does not take the traditional unit of federation (the provincial/state level) to be the unit of federalism in the South African context. Instead of seeing the federal powers as vested to the provinces, the South African unit of federalism is the traditional community, the many villages under the leadership of traditional authority which in turn house more that 40 percent of the South African population.

The collapse of old orders has never failed to present creative windows for social engineering. For the French Civic Code to come into being, the ancien régime had to be swept away by the revolutionaries, and a unified Germany could not have emerged as it did were it not for the weakening of Hapsburg dominance in central Europe. And so, when it came to be that the apartheid regime was disappearing from the South African landscape, many scholars, political elites and policymakers presented various takes on what the new South Africa ought to look like. Federalism was one of the many systems proposed.

For its defenders, federalism would promote “the right of voice in political life by supplementing national political institutions with smaller local ones, in which self-government can readily occur” (Sunstein, 1993: 422). Giving greater import to Osaghae’s (1995: 7) observation that “the popular perception of it [federalism] as a solution to the problems of governing multi-ethnic and deeply divided polities”, considerations of the country’s ethnic and racial diversity and a recent history of hostility along tribal, linguistic and racial lines was more of a reason for federalism to be put under consideration. Federalism had proven somewhat successful in the ethnically and religiously diverse nations of India, Switzerland, Canada and Nigeria; it might well prove successful in thwarting the very high possibilities of ethnic warfare in South Africa. As Sunstein
(1993: 422) put it, “in South Africa, the risk of ethnic and racial strife is a conspicuous one, and it is important to create federal institutions particularly intended to counter this risk.” Another aspect of the federalist argument is South Africa’s size. Proponents of federalism argued that in South Africa, the central government was “far too large and far too remote to provide a forum for genuine self-government” (Sunstein, 2004: 437); this is a point which forms a large part of at least one of the oppositional parties in South Africa, the Inkatha Freedom Party (also champions of greater powers being granted to traditional authorities) (Ngubane, 1995).

Interestingly, federalism had been even earlier considered as an applicable system for South Africa – as further back as the pre-1910 period. However, the counter-argument made by General Smuts, that “a federation would not buttress the spirit of unity in the different white communities after the war and unity was needed to fight the “native question”” (Kotze, 1995: 56), won the day.

Sunstein summarises the basic benefits of federalism and the role it can serve in attaining democratic goals in four distinct ways (Sunstein, 1993: 422-437):

• By promoting local government.
• By proliferating the points of access to government. The federal system assures one group – whether defined in ethnic, political, or religious terms – that is, if it loses in one place, it may nonetheless win in others. It allows groups to attain local victories even if they are often or sometimes national losers. Control of the centre therefore becomes far less urgent.
• By creating competing power centres. Federalism promotes the right of voice in political life by supplementing national political instruments with smaller local ones, in which self-government can more readily occur.
• By allowing people to “vote with their feet”, and thus flee tyrannical government.

But for reasons of nation-building, particularly along the lines of the rainbow nation rhetoric, the unitary system proved more readily adoptable.

Furthermore, seeing that the agenda had to take into consideration the issue of redistribution, substantive citizenship had to take the fore in the institutional design of the new South Africa and since federalism “might make it more difficult to carry out desirable redistribution of resources and opportunities” it became clear that it was not a viable option. Kotze puts it thus: “on the one hand federalism is seen as a mechanism which further institutionalises the inequalities in society and, on the other hand, it stands in the way of the radical restructuring of society through the use of state power” (Kotze, 1995: 1-6). Hence, South Africa did not officially become a federal state, and thus to date Nigeria remains the only federation in the African landmass (although Cameroon, Uganda, Ethiopia, and the now defunct Rhodesia-Nyasaland and Senegal had experimented with the federal system).

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Federations have several features which differentiate them from their unitary counterparts. The various differences seen between era and era as well as between countries are differences in degree, but not in kind. And in fact, these highlight a certain characteristic of federalism: responsiveness and malleability in the general direction of the demands of the age and the demands it places upon the locality. This is in line with the German philosopher Georg Hegel as well as American president Woodrow Wilson’s later notion of the “living constitution” (Mirengoff and Johnson, 2005). Indeed, it has been observed that “federal experiences are the product of the history, economy and society of individual countries” (Osaghae, 1995: 7). Overall, there are about three defining features of federalism which South Africa has.

As stated, the single most defining characteristic of a federal state is the two-level government. That is, both the central government (at the federal tier) and regional government possess a range of powers that the other cannot encroach upon (Heywood, 2007: 169). A typical example is the United States of America where “each state believed itself to have established its own identity in colonial times and wanted a system to protect its sovereign power while limiting national power” (Duncan and Goddard, 2003: 25). The most workable solution, after the initial introduction of the Articles of Confederation which proved themselves incapable of affording the Union of the former colonies with enough power (Sunstein, 1993), was the American Constitution. Its tenth amendment which clarifies that “the powers not delegated to the United States by the Constitution, now prohibited to the states, are reserved to the states, or to the people.” As a result, each of the 50 states has a mandate over such things as their own educational systems, voting requirements, driving and marriage laws and so on. The outcome has been, for example, the teaching of evolutionary theory with varying levels of emphasis and criticality between states, the differences in voting ages were different from state to state until the ratification of President Nixon’s Voting Rights Act of 1965 (not without resistance from the state level, however; see Cultice, 1992), as well as a lack of a national speed limit (and the legality of same-sex marriage in some states and not in others until 2015).

Overlap occurs, of course and has many times. Many authorities are shared; here the federal and state governments have mutual and complementary roles. Examples include environmental law, labour law, and the provision of welfare and public assistance (Sunstein, 1993: 435). But a distinctive feature of federalism is a general understanding that the states will exercise at least concurrent and probably exclusive authority over activities within their territory – unless


during this time period, the government’s actions were

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and until the national government has explicitly ruled otherwise. (Sunstein, 1993: 434). Basic law-making is left to them. Until the national government has acted, almost all regulation is for the states to choose (subject to the Bill of Rights).

Furthermore, the US Indian Reserve polity does nothing if not further compound the federal character of the United States. Much like the state courts, tribal councils in the US are granted the judicial capacity to, inter alia, settle disputes, hear complaints, as well as decide on how to spend the revenue generated from tribal enterprises or distributed to them by the federal government under the auspices of the Department of the Interior’s Bureau of Indian Affairs (Duncan and Goddard, 2003: 49). Furthermore, through the efforts of Neal McCaleb, then Assistant Secretary of the Interior for Indian Affairs, the early 2000s saw the instigation of tribal enterprises and entrepreneurship with less U.S. government involvement; the outcome can only be the heightening of the fiscal autonomy of some of the Reserves (Duncan and Goddard, 2003). These enclaves of federalism will become more federated.

For reasons central to their policy of creating what Mamdani (1996) has labelled a “bifurcated state”, the successive colonial and apartheid regimes did not provide much development in terms of services and infrastructure in rural areas (see Mamdani, 1996). In contrast to their urban counterparts, there were no local government structures in rural areas. Following 1994, this resulted in traditional leaders assuming a role of facilitating development as well as supplementing administration in their areas. As such, Section 211 of Act 168 of 1996 provides that the institution, status and role of traditional leadership, according to customary law, are recognised, subject to the constitution.

The co-existence of the institution in tandem with a central ‘mainstream’ government has led Ray and van Rouveroy von Nieuwval (1996) to note that for the two institutions to co-exist, it is crucial that the task and functions of each institution to be clearly defined and identified. Beyond this, each institution, they argue, must be willing to forgo some powers rather than to concentrate all the functions in one authority. This sharing of power between a central government and its localised counterparts is, as we have seen, a key characteristic of federal governments seen in the US and elsewhere. But rather than being a phenomenon waiting to be put into practise, it is already occurring in South Africa. It has long been observed that “one of the most important characteristics of the chief has continued to be his active involvement in judicial matters in spite of efforts by both the colonial and post-colonial governments to reduce and marginalise this traditional position” Ray and van Rouveroy von Nieuwval (1996: 32).

The constitutional recognition espoused in the aforementioned Act carries a number of implications for the nature of South Africa. In particular, its granting to traditional authorities the power to apply customary law in carrying out law-making in their communities, a point again made clear by the White Paper on Traditional Authority in stating that a traditional authority must ensure that he/she “manages an efficient, effective and fair dispute resolution system through customary law courts for traditional local communities” (RSA, 2003), differentiates traditional communities not only from the otherwise standardised procedure and codes of legality, but from each other as well. For in rendering their judgements, traditional authorities “rely more upon internal powers that reflect the ideas, rules and institutions rooted in pre-existing community norms, practices, or so-called ‘traditions’” (Williams, 2004: 117). Not unlike other places on the African continent, “these norms and ‘traditions’ are not static, but are under constant pressure from local communities who desire and expect change” (Williams, 2004; see also Williams, 2001).

To be strongly, Mamdani has argued strongly that there were a variety of diverse as well as contradictory models of customary authority at the time of colonial conquest in Africa in the nineteenth century (Mamdani, 1996: 38-48). In South Africa a somewhat common norm is that a woman can never assume the position of the chiefancy (or equivalent thereof), she can only serve as a temporary regent (RSA, 2003). This is, in both legal and rhetorical terms, a wide divergence from the law of South Africa and is in contradiction to much of the discourse on the empowerment and emancipation of women in the country. The government has made its intention to change this, stating:

The recognition of custom cannot reduce the effect of hallowed and entrenched principles of human rights, which include equality and non-discrimination especially on the basis of gender and status... custom and customary law should be adapted and transformed so as to comply with the principle of equality in the Bill of Rights” (RSA, 2003).

But the traditional institution is still based on the idea of heredity being justification for assumption of office: a manner of attaining office seen nowhere in the non-rural South African public service.

The White Paper on Local Government explains the roles of a traditional leader at local government. These are to:

• act as head of the traditional authority and as such perform certain limited legislative, executive and administrative powers;
• preside over customary law courts and maintain law and order;
• consult with traditional communities through Imbizo/lekgotla;
• assist members of the community in their dealings with the state;
• advise government on traditional affairs through the Houses of traditional leaders;
• convene meetings to consult with communities on needs, principles and provide information;
• protect cultural values and provide a sense of community in their areas through a communal social frame of reference;
• be the spokesperson generally of their communities;
• be a symbol of unity in the community; and
• be custodian and protector of the community’s customs and general welfare.
In its foreword, the White Paper on Traditional Leadership and Governance set out a broad policy framework that laid the basis for the drafting of the national framework legislation especially concerning the institution of traditional leadership. The future legislation will, in turn, “set norms and standards that will inform the drafting of provincial legislation necessary to deal with peculiarities prevailing in various provinces” (RSA, 2003; emphasis added). One of the points affirmed in this White Paper is the continued existence of the National Houses composed of traditional authorities.

According to the document, “the National Houses are intended to give a role to the institution at the highest level of government and to promote co-operative relationships.” Their functions, inter alia, include:

- ensuring a smooth flow of information within and between government communities, with a view to enhance the implementation of policy and programmes;
- ensuring that a deeper understanding of customary law, the prevention of conflicts and disputes instigated; and
- advising governments on matters affecting traditional leadership, traditional communities and customary law.

The composition of Provincial Houses themselves differs from province to province (RSA, 2003). Whereas in some provinces headmen can be members, in others they are not qualified for membership. It is also the case that in some provinces, the premiers and/or MECs have to nominate persons as members of the House, in others they do not. Again, the equivalence to a federal system is apparent. There is no uniformity; either in the way of doing things, and in the devising of the hierarchical structure of governance.

The 1998 White Paper on Local Government was an initial attempt to deal with the issue of traditional authority. The White Paper, in broad terms provided for “a cooperative model within which traditional leadership could co-exist with municipalities, in terms of this, traditional leaders were allowed to participate in debates in municipal councils but were not allowed to vote” (RSA, 1998).

There is yet another dimension which speaks directly to the enclave-like nature of rural areas, and this has profound implications for the argument made in this article. And that is the idiosyncratic nature of the position of the headman, induna. The White Paper on Traditional Leadership on Governance notes that “the level of headmanship was substantially different from area to area. Whereas in some areas headmen were appointed in accordance with custom, in some they were elected. In some areas they were closely related to a traditional leader and formed part of the royal family. In others, individuals without any link to the royal family could be nominated to become headmen” (RSA, 2003).

The ability of chiefs to ‘link’ the state with society, as well as their ability to act at times autonomously from the state or serve at other times as functionaries of the state, are the chieftaincy’s most intriguing features.

It can be deduced from this and the declaration made by the same document that “the remuneration of headmen, given the peculiarities relating to their appointment, recognition, numbers, status and role from community to community, should be dealt with by provincial governments, taking into consideration these peculiarities” that the institution of traditional leadership is a blanket term for forms of governance which manifest themselves in ways born out of localised systems, needs and traditions (assigners of roles and therefore justifiers of payment where relevant). These themselves stem from the socio-historical conditions and experiences about which no generalisation can be made between localities.

This greatly contributes to the claim being made in this article. For it fundamentally impacts the hierarchical structure as well as the dynamics of intra-communal organisation and governance and greatly differentiates each community from another. And even attempts to regulate this institution do nothing if not lend greater gravitas to the federal tilt of South Africa. For in its projected attempt to reel this position under its control, the White Paper on Traditional Leadership on governance has declared that “criteria for the recognition of a kingship, chieftaincy or headmanship will be provided for in national/provincial legislation, and these will be based on the customs and traditions of the relevant communities and other relevant principles” (RSA, 2003; emphasis added).

Currently, and by custom, a traditional leader is likely to remain in their position for life. The national government is attempting to change that (in line with the democratic discourse that defines the country). A key area has been establishing grounds for dismissal from the position. One of the grounds for dismissal that the government is currently trying to enforce is that of “misconduct”. But in the same White Paper, it betrays a characteristically federal sentiment, conceding that “conduct that constitutes misconduct… will be elaborated upon in…provincial legislation” (RSA, 2003).

For Williams (2004: 121), while in some instances the chieftaincy lobbies the government on behalf of its residents, in other cases it acts authoritatively to distribute resources and make and enforce rules. The ability of chiefs to ‘link’ the state with society, as well as their ability to act at times autonomously from the state or serve at other times as functionaries of the state, are the chieftaincy’s most intriguing features. Von Rouveroy (1996: 46) notes that they “dispose of two different bases of legitimacy and authority. This permits [them] to operate differently towards the state and [their] people. A kind of hinge point, a chief tries to connect both worlds”.

Another characteristic which defines a state as federal is the ability of each level of government to influence the other particularly in terms of policy. For
example, in Germany and Australia a system of “administrative” federalism operates in which central government is the key policymaker, and each province is charged with responsibility for the details of policy implementation. Additional responsibilities speak directly to their influence on development. These include their ability to:

- make recommendations on land allocation and settlement of land disputes;
- lobby government and other agencies for the development of their areas;
- ensure that the traditional community participate in decisions on development and contribute to development costs; and
- consider and make recommendations to authorities on trading licenses in their areas in accordance with law.

On the other hand, according to the White Paper on Traditional Leadership and Governance, traditional councillors can “recommend appropriate interventions to government to bring about development and service delivery” as well as “participate in the development of policy and legislation local level.” Williams (2004: 131) notes that “while the chief needs the elected councillor’s connections to acquire resources and information, …the elected councillors need the permission of the chief to carry out his duties.” Besides declaring that “at the local level, traditional councils, as established by custom, will promote cooperative relations with local municipalities,” the White Paper also states that “the institution of traditional leadership can also participate in the municipal ward committees established in terms of national legislation.” Furthermore, “traditional leaders will also continue to participate in municipal councils in terms of section 81 of the Municipal Structures Act No. 117 of 1998, until legislation providing otherwise is introduced.” The document also lists the following as within some of the roles and functions of the District Houses (composed of traditional leaders):

- to advise district municipalities in developing the rules and bylaws impacting on rural areas;
- to advise district municipalities in the development of planning frameworks that impact on rural communities;
- to participate in local programmes geared towards the development of rural communities; and
- to participate in local initiatives meant to monitor, review and evaluate governmental programmes in rural areas.

To reiterate, their considerable level of control over land makes them all the more central to policy implementation in rural areas as they have the power over land allocation, indeed it makes them superead the “advisory” role to which they are confined by the White Paper. Thus in policies related to land usage, their role is central.

**Conclusion**

Voltaire’s famed characterisation of the Holy Roman Empire as “neither holy nor Roman nor an Empire” may house more than a signpost of French subservive wit and embody a fact worth exploring. The history of the world is filled with institutional cenotaphs. Institutions have attempted to portray as being one thing, only for empirical analyses to uncover incongruence. That is, like empty tombs, they rarely possess the individuals whose names appear on the gravestones; such was France. One of King Louis XIV’s legacies is his famous pursuit of “one king, one law and one faith”, the second of the three being most relevant to a large portion of the large claim made in this article. One may question the extent which he managed to unify France and thus realise his aims (Ogg 1951: 7) but a sure signifier of his capacity for reform was his recognition that France was not as unitary as perceived, that large portions of his state were in effect ran by others, dukes and lords, in accordance with their own preferred laws (see Martin, 1948). As Napoleon Bonaparte later recounted, it was “a chequered France, lacking in unity of laws and of administration, more like twenty kingdoms assembled than a single State” (Martin, 1948: 180). “Under Louis XIV, France learnt to know herself,” as Bousset put it (Martin, 1948: 162). The central argument made in this article has been that the same is, to varying degrees, taking place in South Africa: that the republic is more federal, in principle as well as in law, in theory as well as in practice. How long this may continue remains to be seen and hinges on the amount of power accorded or wrested from the traditional authorities. Following the persistence of the Congress of Traditional Leaders of South Africa (CONTRALESA) in lobbying for a pardon for one of their members, Chief Buyelekhala Dalindybo, there are indicators that these stakeholders have come to believe that the national government is overextending its legroom at the expense of their own.

**References**


Do not allow the mainstream media to sabotage China-Africa cooperation

Their intention is clear: to discourage Chinese commitment to Africa, to derail Africa’s efforts for self-sustainable development, to divide and disrupt China-Africa cooperation, and to eventually weaken and divide Africa.

By Lin Songtian

It is regrettable that the French newspaper Le Monde recently published an article which makes unsubstantiated claims that China has been wiretapping the AU headquarters. The article further maliciously claims that China has been transmitting computer data from the Chinese built AU headquarters to a server in Shanghai every night since 2012, and was only found out by the African side last year. The Chinese people are not at all surprised by such a completely fabricated report from Le Monde and other western media. In fact, we think such a report doesn’t even deserve a response, because the Chinese people know too well what these media are trying to do.

We are very happy to see that, in the days following this false report, Prime Minister Hailemariam of Ethiopia, Chairperson Moussa Faki of the AU Commission, and many other African leaders have stepped up to reject and condemn the report. Unfortunately, a small number of African media still went ahead to play up the story. For China, it is not the story itself, but the fact that some of our African media friends have easily fallen into the trap and followed the Western lead without seeking to separate fiction from truth, that is particularly hurtful. For China, this represents a serious rebuff to the sincere and selfless assistance provided by the Chinese government and people to Africa. And it shows the gravest disrespect to China’s firm commitment to the principles of sincerity, practical results, affinity and good faith in developing relations and cooperation with Africa.

China and Africa have always been good brothers/sisters through thick and thin. For example, in the 1960s and 1970s, in order to support Africa’s national liberation movements to achieve political independence, the Chinese people tightened our belts to build the Tanzania - Zambia railway. 65 sons and daughters of China sacrificed their precious lives for this railway construction and have forever remained on the African continent.

China, as the world’s largest developing country, has always stood together with African brothers and sisters shoulder to shoulder, and has supported all friendly African countries to the best of our ability. According to incomplete statistics, China has helped Africa build over 80 sports stadiums, 200 plus schools, and 20 parliamentary buildings. China has financed and built over 6,500 km of railways, over 6,000 km of roads, 70 plus power plants, and tens of airports, seaports, and government buildings. What China has done has played a unique and important role in supporting Africa to realise self-sustainable development.

Among these projects, the building of the AU headquarters in Addis Ababa, completed in 2011, is particularly worth mentioning as a gift from the Chinese people to the African people, and as a major effort by China to support African integration and unity for strength. This most modern building complex on the African continent was built at the request of the African Union and friendly African countries, and marks another symbol of China-Africa friendship in the new century.

Since taking office, the Chinese President Xi Jinping has clearly instructed us that, in conducting China’s relations with Africa, we must adhere to the principles of sincerity, practical results, affinity and good faith, and uphold the values of friendship, justice and shared interests. The
essence of this instruction is to closely combine China's self-development and Africa's realisation of self-sustainable development, so as to realise win-win cooperation for common development. President Xi Jinping explained that our strategy is an effort to support Africa to break through the three development bottlenecks, namely, inadequate infrastructure, lack of professional and skilled personnel, and a shortage of financial resources.

During the FOCAC Johannesburg Summit in December 2015, President Xi Jinping announced China-Africa Ten Major Cooperative Plans with a commitment of 60 billion US dollars of financial support to help Africa accelerate industrialisation and agricultural modernisation. Thanks to our joint efforts, remarkable progress has been achieved in the implementation of the outcomes of the FOCAC Johannesburg Summit. With over 100 billion US dollars of direct Chinese investment and financing in Africa, China-Africa cooperation is demonstrating an encouraging and robust momentum of growth.

Today, China stands as Africa's largest trading partner and major investor. In the first half of last year, two-way trade between China and Africa moved against the downward pressure and registered a significant growth of 19%, totaling 85.3 billion US dollars. China has become Africa's most important investor in infrastructure development. A large number of flagship projects including the Addis Ababa-Djibouti Railway, Mombasa-Nairobi Railway, and the Abuja-Kaduna Railway in Nigeria have all been completed and entered into service. China-Africa production capacity cooperation is also moving into service. China-Africa production capacity cooperation is also moving into service. China-Africa cooperation countries which include Ethiopia, Kenya, Tanzania and the Republic of Congo) and with the implementation of the outcomes of the FOCAC Johannesburg Summit. With over 10 major production capacity cooperation countries which include Ethiopia, Kenya, Tanzania and the Republic of Congo) and with the implementation of the outcomes of the FOCAC Johannesburg Summit. With over 10 major production capacity cooperation countries which include South Africa, Zambia, Uganda and Nigeria. As large numbers of Chinese investors enter Africa, numerous jobs have been created for the local people. Today, China-Africa cooperation is taking up a renewed momentum of growth, bringing benefits to and winning support from all sectors of African society.

China strongly believes that, without economic independence, there will never be true political independence. That explains the Chinese government's political commitment and correct choice to sincerely and earnestly help African countries realise economic independence and to achieve complete political independence. Our pursuit of equality, mutual trust, and mutually beneficial cooperation is the fundamental characteristics and the unique strength of China's policy towards Africa. In working with Africa, China never attaches any political strings, never makes others do things against their will, never interferes with others' domestic affairs, and never makes empty promises to African partners.

China has never had any problems in exchanging information with African brothers and sisters, and therefore has absolutely no need to resort to the kind of desplicable and disgraceful practices used by certain countries to gather information from others. Maybe the Western media has forgotten that all the computers in the AU building carry chips that are made and controlled by the West.

Unfortunately, certain countries want to keep Africa as it was, always trapped in poverty, conflict and instability, so that they can continue neo-colonial control and manipulation in Africa. They themselves do not want to help Africa realise durable peace and self-sustainable development. Even worse, they don't want China and other countries to help Africa. Those countries are deeply nervous about and frustrated by China's massive efforts to support Africa in this endeavour.

For this reason, they have resorted to the tools of media, false news, fabricated lies, to mislead and manipulate public opinion. Their intention is clear: to discourage Chinese commitment to Africa, to derail Africa's efforts for self-sustainable development, to divide and disrupt China-Africa cooperation, and to eventually weaken and divide Africa. That is also why Le Monde has chosen to run this story, the ulterior motive of which is all too clear, with such a calculated timing: during the AU Summit.

It is necessary to point out that to uphold sound China-Africa cooperation serves the fundamental development interests of the African countries and the African people. As witnesses, recorders, and storytellers of China-Africa cooperation, our African media friends have for many years played an irreplaceable role in consolidating friendship and promoting cooperation between China and Africa. Some in the West have always viewed China and Africa through a distorted lens, and have always been viciously negative about China, Africa and China-Africa cooperation. With their incurable political bias, it is simply unrealistic to expect some Western media to tell the real and truthful stories, still less the good and positive stories.

Failing to understand such a basic reality and blindly following the Western suit would make African media easy victims of the West. In the end, what it harms is not only China's image, but also Africa's fundamental and long-term development interests. As Africa's true friend and reliable development partner, China will never do anything against the interest of African countries and the African people. It is our sincere hope that friends from the African media can travel around the continent to places like Addis Ababa and see with your own eyes what China has been doing in Africa, and what those countries have been doing in Africa. Seeing is believing.

It is expected that the African media will not dance to the music of others and fall into the trap of the lies made by the Western media. By doing so, innocent African people will be misled and the warm enthusiasm and sincere feelings of the Chinese government and the Chinese people towards Africa will be deeply hurt. We sincerely hope that our African journalist friends can leverage their own unique strengths to tell real and vivid stories of China-Africa friendship and win-win cooperation for common development. I have strong confidence and belief that the media in Africa can be powerful champions for China-Africa friendship and great defenders of the shared interests of China-Africa cooperation.
I take the view that Dworkin’s theory of law is an exemplary instance of ideology, that it systematically excludes working class and feminist standpoints, that it permits only nationalist and family and individual identity and that it is false in its theory of society and the state.

By Ditshitiso Hlahane
Ronald Dworkin’s jurisprudence reveals three major preoccupations. First, he defends the following theses: that there is, ideally, one right answer to the great majority of disputed legal uses. Secondly, he is concerned with developing and defending a version of political liberalism grounded on a theory of equality. Thirdly, he is an apostle and theorist of American constitutionalism and legal culture, celebrating its institutional and practical instantiation of liberty, equality and fraternity and arguing the critically important role of appellate courts within it.

In this article, I shall give an overview of the latest version of Dworkin’s ideas, i.e. the general theory of law as integrity contained in his book Law’s Empire (1986). Then I will examine more closely the instruction and elaboration of his idea of law as integrity in order to take up a question of strength and the source of strength of his theory. I shall argue that Dworkin’s jurisprudence is a powerful version of legal liberalism and that this can be accounted for by reference first to the degree of abstraction of his argument, secondly to the methodological good sense in considering law as integrity, and thirdly to his accurate perception of equality as the central value of liberalism.

I take the view that Dworkin’s theory of law is an exemplary instance of ideology, that it systematically excludes working class and feminist standpoints, that it permits only nationalist and family and individual identity and that it is false in its theory of society and the state. But precisely as an exemplary instance of ideology, it is perceptive and coherent in its expression of the façade which hides how social relations in welfare capitalist social formations actually affect the ways in which different segments in society – progress towards social justice. But we cannot and ought not to suppose such progress is facilitated by theory which concerns itself with empirical actualities only to the extent of providing explanations which fit in with what most people think, and which gives no consideration at all to the generative reproduction. At this level then I do not criticise Dworkin for failing to do something he never sets out to do. Dworkin does claim
to present a theory of law adequate to the demand for progressive social change. My point is that his theory is not adequate to that task.

**Text and context**

Even prior to *Law’s Empire*, there was a substantial degree of unity in the relations between the three themes in Dworkin’s work identified above (Dworkin, 1985, pp.118-191). Modification of some of the canons of methodological individualism (Dworkin, 1986, p.64) is a failed attempt to add a social theory, but the centrality of the individual to liberal thought is not negotiable. The liberal individual, however, is not an actual individual (but an abstraction which, in Dworkin’s jurisprudence, can initially be identified as the bearer of rights). As such, it has as much and as little character and determinacy as it is accorded by the process of practical reasoning which decides which concrete rights it shall bear in particular circumstances. So it is axiomatic that taking abstract individuals seriously, treating them in the Kantian idiom as ends and not means, entails taking rights seriously. That in turn may be thought to require a concept of rights that does not make them wholly contingent on the vagaries of particular intentional human acts of legislation and adjudication. This is at least Dworkin’s conviction.

But if not the product of positive acts by sovereigns or courts or officials, what are rights? Traditionally in philosophical jurisprudence that question has been asked and answered within natural law theory. Rights on this account are natural, conclusions of principles of justice which inhere in some pre-given aspect of the human condition. But Dworkin seeks a more protestant solution, one which will strengthen his conception of individuality by investing his natural individual with some power which decided for itself what rights it has (Dworkin, 1986, pp.190, 143). So his solution is culturist rather than naturalist. His rights are located in the practices of a community and in a practice of legal rationality which, by looking back to the past, finds in the present one right answer to assure the future.

Dworkin is committed to the thesis that the basic institutional and constitutional structure and the political and legal culture of the United States, properly interpreted, represents the ideals of fairness, justice and integrity. The task for the present is to put forward and defend that interpretation. The task for the future is, through the extension of his conception of legal reasoning to utopian political theory, to allow for continued progress toward law beyond law – perfect substantive justice. Thus “... every decision in a hard case is a vote for one’s law dreams” (Dworkin, 1986, p.40).

The idea of properly interpreting American (and to a lesser extent English) practices universalises Dworkin’s account to a general theory of law. His theory of constructive interpretation is philosophically hermeneutic; that is, it goes beyond the limited use of the hermeneutic method to be found in contemporary jurisprudence since Hart (1961) to a theory of truth and method in jurisprudence. He makes the claim that a social theory of law is, a “…proper understanding of law as a social phenomenon …must be jurisprudential”, (Dworkin, 1986). So although his method, in theory if not in practice, calls for reference to both external (sociological and historical) and internal (jurisprudential) points of view, the latter is given epistemological priority. Although the measure of Dworkin’s argumentative ingenuity should not be underestimated, he makes selective use of the philosophical hermeneutics of Hans-George Gadamer and reference to Gadamer is helpful in understanding the dimensions of Dworkin’s one right answer claim. In *Truth and Method*, Gadamer comments:

> An interpretation that was correct ‘in itself’ would be a foolish ideal that failed to take account of the nature of tradition. Every interpretation has to adapt itself to hermeneutical situation in which it belongs (Gadamer, 1975, p.358).

Dworkin is not arguing that his one right answer is correct in itself. He is arguing that it is correct within the tradition of political liberalism as reflected in common law and American constitutional institutions. Thus Dworkin’s theory of law draws from the American legal and political experience and is structured by his commitment to the ideals and value of American liberal legalism. His most lucid exposition of liberalism, an essay reprinted in *A Matter of Principle*, answers the question “What is liberalism?” by asking what morality is constitutive of particular political settlements, like the New Deal package. He argues that this constitutive political morality is a theory of equality which supposes that political decisions must, within limits, be neutral between corrupting conceptions of the good life (Dworkin, 1985, p.191).

The affirmation of political pluralism in Dworkin’s version of liberalism is in no sense tolerant of all political beliefs. It is here, perhaps emphasised by Dworkin’s stated inability to understand the materialist Hobbes within broader traditions of liberalism, (Dworkin, 1985, p.441) that a consciousness which believes its ideal horizons constitute a frontier of human population and culture, is manifest. It excludes, for example, Finnis’ duty-based political theory (natural rights based on negative principles) (Finnis, 1980). It also excludes those realist socialist and feminist theories. But is it proper for a political theory which lays claim to the truth of its moral vision to attempt no reasoned refutation of the truth claims of contradictory political theories?

Dworkin apparently thinks it proper, or at least permissible, to avoid such engagement. The terrain which he constructs is occupied by conservatives, some economic theorists, utilitarians
and pragmatists. He manages his stage to exclude actor-theorists who question his acceptance of established structures and institutions from more deeply felt perceptions of social degradation. This is certainly a standard practice in liberal political theory. Mill’s failure to engage with Marx is only a more critical instance of it. Dworkin justifies it with the assertion that a political theory, whatever constituent of scepticism it includes, “… it is entitled to – indeed obliged – to claim truth for itself” (Finnis, 1985, p.350). The plausibility of this assertion lies in its failure to distinguish rhetoric and dialectic, the former as a dominantly persuasive discourse, the latter as a structure of question and answer aimed at knowledge and understanding.

I do not for a moment suppose that Dworkin is unaware of this distinction. I think he would argue, perhaps rightly, that it is inappropriate in utopian political philosophy. The trouble now, however, is with his conception of “truth” which seems inconsistent with what he had drawn from philosophical hermeneutics because of the dominance of a functionalist criterion: political persuasiveness. Here it aims understanding to recognise the pervasive influence of pragmatism in American culture and make reference to William James’ idea that an idea is “… the idea it is best for us to have, best in the long run”. So “… truth becomes a sub species of goodness” (Passmore, 1968, p.112) The “us” in question assumes a largely homogenous and coincident interpretive and political community which is relied on to give a certain sense of objectivity to the judgment. Dworkin’s account of community (society, state) drawn on pragmatic personification (the chapter in which it is made is entitled “Pragmatism and Personification”) and his account of political community, with its central categories of culture, nation, friendship and family, presents us with an associative model given commonsense plausibility by reference to what “… most people think” (Dworkin, 1986, p.196).

I do not imply that Dworkin does not admit the existence of social injustices in American society. He refers to the unacceptability of unequal distribution of resources and opportunities, and racial prejudice. But he argues that these practices are being progressively interpreted out of social life. From this basis he defends his concept of law as integrity as accepted and acted on by officials as agents of the society (state). For this defence, the idea of law as an interpretive concept is fundamental. To grasp its sense it is necessary to note the constitutional status and political role of the courts, especially the Supreme Court, in the United States.

In this respect the professional and academic legal cultures of Britain, Australia and America, despite what they share in a common law tradition, are markedly divergent (Hart, 1983, p124-5; Dworkin, 1978, p.11). Thus, although Dworkin’s claim is to write within the Anglo-American legal culture, it is within the specificities of American legal culture and its permeation of mass-media political debate that his argument for law as an interpretive concept must be understood. The intended point of contrast, that is between interpretive and non-interpretive concepts, goes on to participation. An interpretive concept is the product of a social practice in which all members of a community participate with an interpretive attitude rather than with “… unstudied defence to a runic order” (Dworkin, 1986, p.47). Dworkin argues that we can begin to grasp the meaning of law only by understanding that, as a concept, it is a product of a social practice of reflective participation in legal practices. This participation will not simply accept pre-given ways of doing things. It will question their point and purpose and propose new and better ways of doing them by dint of rationalising them, so far as possible, into a scheme which is internally coherent and which furthers the political values of justice, fairness and integrity already, although imperfectly, represented in the basic structures and institutions of the United States.

**Constructing law as integrity**

Dworkin begins Law’s Empire with the assertion that since it matters what way judges decide cases, “… it also matters what they think the law is, and when they disagree about this, it matters what kind of disagreement they are having” (Dworkin, 1986, p.3). Classifying judicial disagreements as either empirical or theoretical, he asserts that they are, except in trivial cases, theoretical disagreements about the grounds of law. He then contends that because all previous jurists, but in particular, legal positivists and pragmatists, have been infected by “semantic sting”, no adequate account of judicial disagreement is to be found in the jurisprudential literature. This, he argues, is a most profound lack.

For we take an interest in law not only because we use it for our own purposes, selfish or noble, but because law is our most structured and revealing social institution. If we understand the nature of legal argument better, we know better what kind of people we are (Dworkin, 1986, p.11).

This is a very grand claim indeed. It seems to propose legal argument in preference to language or production as a paradigm for social philosophy. Dworkin’s style, wholly appropriate to liberal ideology, is often baroque, but here we have no mere extravagance of expression. In his final chapter – a short essay in utopian philosophy – he uses the idea of judges as the princes of law’s empire and a philosopher “… if they are willing to work out law’s ambitions for itself…” (Dworkin, 1986, p.407) and not its seers and prophets. At least he is asserting that legal reasoning is an exemplary form of practical reason – a case which philosophical jurisprudence in various
forms has been rather more cautiously constructing over the past few decades (Finnis, 1980; MacCormick, 1983). The point of his grandiloquent claims is serious enough. Dworkin has correctly perceived that common sense views of law are informed by the dominant professional discourses: legal positivism and pragmatism (Dworkin, 1986, p.3). Moreover, he is well aware of the extent to which the former discourse is supported by a philosophy of language which gives priority to the static aspect of meaning, explaining it as a matter of following rules immanent within linguistic practices of a given language community, hence the invocation of “semantic sting” (Dworkin, 1986, p.45). In the construction of his concept of a political community and of his political virtue of integrity, common sense supplies a standard to which he appeals to establish that his assertions fit social practices. His aim is rather to set it right on the question “What is Law?”. This critique of theories of language and meaning which culminate in the instrumental view of language taken by ordinary language philosophy is therefore one of the points at which Dworkin draws on the hermeneutic tradition.

Dworkin’s quarrel with semantics, like his quarrel with common sense understanding of judicial disagreement, makes no realist challenge. His reference to social practices is not a reference to practical activities of production and reproduction of the structure of social relations. It is a reference to forms of life in Wittgenstein’s sense, to language games (Wittgenstein, 1968, p.8). In this he follows Hart more closely than he would have us believe (Dworkin, 1986, p.32) offering an explanation of law as a social phenomenon in terms of a theory of meaning. What is new here is that the theory of meaning (interpretation) employed makes a different sort of truth claim for itself. It justifies the imposition of the interpreter’s ideals about a text or about social practices as true, if the object is interpreted in the best possible light by reference to its point of purpose. Where the object in question is “law”, the interpreter cannot be the social scientist or even the philosopher, unless he or she is willing to work out law’s dreams for itself. The interpreter must be within and committed to the tradition in question. For this reason Dworkin’s point of view for jurisprudence and social theory of law is that of the appellate court judge who regards law as integrity.

This contention rests ultimately on unsupported assertions. First, that the essence of law is that it is argumentative, that practice consists centrally in deploying and arguing about the truth of certain propositions which have sense only through and within practice (Dworkin, 1986, p.13). They bring us to the metaphysics of Dworkin’s position. The way statements which express a conclusion of law are used, he contends, is to propose and assert the correctness of a claim about what the law (on a particular issue) is, are therefore assertions about what law (in general) is. For although it would be odd not to suppose some kind of internal relation between the particular and general usages of a term, what Dworkin is asking us to believe is that there is, normally, no logical space between the two, such that the two people could agree on the grounds of law yet disagree on the outcome of a case. This is a new way with an old theme, the refutation of Hart’s thesis that judges have discretion of hard cases (Hart, 1961, Chapter VII; Dworkin, 1978, Chapters 2 and 3). In Law’s Empire he makes this argument by analysing judicial reasoning in terms of both the grounds and the force of law.

A full political theory of law, then, includes at least two main parts. It speaks both to the grounds of law – circumstances in which particular propositions of law should be taken to be sound or true – and to the force of law – the relative power of any true proposition of law to justify coercion in different sorts of exceptional circumstances. These two parts must be morally supportive. (Dworkin, 1986, p.110).

Propositions of law, then, are reasons which, within a given conceptual framework, justify the application or formulation of a normative proposition to guide decision or judgment on the outcome of a particular dispute. Because law is essentially an argumentative practice, a central focus of a social theory of law must be the concept of rationality embedded in this conceptual framework. That, of course, is the concept of rationality specific to Dworkin’s theory of liberalism. But if that concept of rationality contains the neutral principles that the constitutional state should, within limits, prefer no

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“His purpose is openly and avowedly ideological. It is precisely to construct a theory of law which will resolve in the mind, contradictions which are insoluble in practice within a specific social formation.”
conception of the good life over any other (Dworkin, 1985, Chapter 8; Dworkin, 1985, p441) and if there is normally no logical space between arguments about what the law is and what law is, how can there be one right answer in most cases?

Dworkin argues that there is a method of deciding cases and a logic of principle which constitutes the necessary relation between the reasons for a particular decision and the rationality of law. To understand this argument as an admixture of philosophical hermeneutics and pragmatism, it is necessary to look in rather more detail, at this theory of meaning: constructive interpretation. Consistent with the holistic approach he endorses, he suggests that these distinctions could probably be explained at a “deeper” level by a constructive account of all interpretation (Dworkin, 1986, p.153).

In its application to legal theory, this theory of interpretation discloses three stages for theory construction. At the first pre-interpretative stage, rules and standards constitutive of the social practice of law are identified as given within a culture. The necessary condition for this stage is the existence of an interpretive community of persons sharing roughly the same assumptions about the practice. At the second interpretive stage, the interpreter settles on a general justification of the practice thus identified, by reference to its point of purpose and within constraints of a notion of “fit” appropriate to interpretive identification of the practice. At the third “post-interpretive” stage, the interpreter adjusts the idea of what the practice really requires so as better to serve the justification arrived at in the interpretive stage. For social practices like law which are argumentative, an interpretive claim is not just a claim about what others think. Here, Dworkin argues, jurisprudence must “… give up methodological individualism” (Dworkin, 198, p.64). The claim is about what participants in the practice do collectively – a claim about what the practice means. Where the purposes of the practice are controversial, such claims can only be made by joining in the practice, developing an opinion on its requirements and meaning, and reflexively adjusting the opinion of other participants.

Thus the sense of one right answer for which Dworkin argues is that if finding or making the law is understood as an example of constructive interpretation, there is, at least ideally, a best possible interpretation. It is one settled on at the third, reforming stage of interpretation, where the interpreter reflexively adjusts first-stage perceptions of what the practice requires to the justification of the practice arrived at in the second-stage, so as to arrive at settled conclusions as to what the law really requires or is. I have twice emphasised Dworkin’s use of the term “really”. That use is a production of his equation of the reality with the (liberal) rationality of law. But at least the point at which we have arrived and the route by which we have arrived there, can now be simply stated.

Claims about what the law in particular and what law in general is, as interpretive claims, can find their objectivity only within political morality. They cannot be other than interpretive claims, either because all questions of truth are questions of interpretation (the “deep” theory) or because all questions of and about law, as questions about an essentially argumentative social practice, are questions of interpretation. But such questions do, normally, have one right answer – the answer which would be arrived at by one who had comprehensive knowledge of all the grounds of law, and who employed the correct logic of principle to dispose them to a particular result, the one which best furthers the purpose of the practice of law. It is not the “fit” between pre-interpretive identification of legal practices (or rules or standards) and second-stage interpretation which guarantees the one right answer – though that is a necessary condition of it. It is the creative operation of thought which settles on a general justification of the practice – the best possible justification for it. In Dworkin’s argument, integrity.

**Law as integrity**

Law as integrity is developed from the conception of law as a practice of regulating the use of coercive force by reference to past events. This conception makes claim only to “fit”. It is an abstract description of the point of law, arrived at by identification at the first, pre-interpretive stage, of legal practices within American and British culture. It is not put forward as a definition and it may or may not command universal assent. Other competing conceptions may be proposed which “fit” equally well. It is merely a “plateau of shared understanding” from which further elaboration can proceed, not from which it must proceed.

Our discussions about law by and large assume, I suggest that the most abstract and fundamental point of legal practice is to guide and constrain the power of government in the following way. Law insists that force be used or withheld, no matter how useful that would be to ends in view, no matter how beneficial or noble these ends, except as licensed or required by individual rights and responsibilities flowing from past political decisions about when collective force is justified (Dworkin, 1986, p.93).

The crucial move is the next one: to settle on a general justification of the practices identified and abstracted to provide the conception given. This is where Dworkin arrives at law as integrity. Integrity:

“... requires government to speak with one voice, to act in a principled and coherent manner towards all its citizens, to extend to everyone the substantive standards of justice or
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fairness it uses for some (Dworkin, 1986, p.165).

As an independent political virtue, the requirements of integrity are formulated as two practical principles. Legislative integrity requires legislators to make new law coherent with existing law. Adjudicative integrity requires those deciding what the law is to view the system as a whole as coherent and thus allow the past “a special power of its own” (Dworkin, 1986, p.165). Now it might be asked how this justificatory concept can be sufficiently independent of the pre-interpretive identification of legal practices and the descriptive conception of their point, to function as a justification. An answer to this question can be found. The first stage presupposes “… that the classifications it yields are treated as given in day-to-day reflection and argument” in an interpretive community (Dworkin, 1986, p.66). Substantial agreement on pre-interpretive identifications of legal practices is what Dworkin would refer to as a matter of “plain fact”, by which I assume he means empirically observable, or testable facts. This agreement then makes for the possibility of a “plateau of shared understanding” and enables the asking of the second interpretive question, “Why do we do this?” This is not an enquiry into causes, but into the purpose of the practice. If the purpose settled on, like respect in the case of courtesy or integrity in the case of law, has a place within the form of life in question independent of the actual practices of courtesy of law, then it has the necessary independence to function as a standard of value. Moreover, if the purpose of the practice is not actually valued in a given community at a given time, Dworkin argues that the interpretive attitude to it will languish and the practice will become mechanical, it will lose its argumentative essence. In short Dworkin relies on the place of integrity in moral and political discourse as distinct from legal discourse for the independence of his justificatory concept. And this concept can fulfils its justificatory function in respect of law, given the existence of an interpretive community to satisfy the conditions for application of his theory of meaning – to sustain his “plain fact” of a substantial degree of interpretive unanimity.

This interpretive community which shares Dworkin’s identification of legal practices and which would go with him to his plateau of shared understanding seems uncontroversial. At the least it includes all those who agree with what he says but beyond that, the social nature of language admits a notion of broadly homogenous groups of language users. His next move, however, is more dubious. To establish integrity as a political virtue he needs some account of a political community and for this he relies on the discursive personification of “society” or “state”. This personification, according to Dworkin is “deep” in taking the group (corporation, community, society, state) seriously as a moral agent. No

“Claims about what is best for “us” in the long run are dogmatic. They are metaphysical claims which are logically irrefutable and empirically unsupportable.”

“independent metaphysical existence” of the group is supposed. It is not real in the way that “flesh and blood people” are “real”. It is merely a “creature of practices of thought and language in which it figures” (Dworkin, 1986, pp. 168-171). Integrity, within these practices and for Dworkin, is propounded as a special virtue of politics, because social and intellectual practices which treat the community as if it were a distinct moral agent are protected by espousing integrity as an ideal. Political integrity then is a condition of narrative consistency in a story – Dworkin’s story of a cultural and political tradition and of what is best for some of “us” within it.

Sources of persuasiveness

Now if this pragmatist account of political community is accepted, Dworkin’s argument for law as integrity can be contended, at this level of abstraction, only by a false or a relativist argument. The “plain fact” of the existence of an interpretive community is a necessary but not a sufficient condition for the interpretation of law as integrity. As he admits, competing pragmatist or conceptivist ideas of law may be argued for within this interpretive community. But just as Dworkin claims that there is (normally) one right answer to questions of law, so his claim for law as integrity is that this is the one right answer to the question “What is law?” because it grasps the “real” intention (in an expanded sense) of the practices of thought and language in which the community is personified, including of course, legal practices (Dworkin, 1986, pp. 81-130). Argument for this contention involves the assertion of “facts of narrative consistency” (Dworkin, 1985, p.133) as truth conditions of his judgments. Such facts give coherence to his theory. I shall consider that coherence as a strength of the theory in the next section. In this section, however, I want to expound on the strategy of abstraction which he employs to accomplish it.

Facts of narrative consistency are facts like slavery is wrong and individuals are entitled to equal concern and respect. They are discovered by interpreting a text or a social practice as the best possible instance of the practice of which it is part. Such facts are open only to argumentative refutation. But they are so abstract that disagreement with them, at the same level, forces the person disagreeing into the positions described. The only alternatives to the fact that slavery is wrong are that slavery is right or that it may be justified in certain conditions.

It must be recognised, on pain of missing the point of Dworkin’s theoretical enterprise, that his interpretation of law aims to impose the purpose which he identifies as immanent within law on common sense understanding, “… creative interpretation – aims to impose purpose over the text or data or tradition being interpreted” (Dworkin, 1986, p.288). To put that differently, his purpose is openly and avowedly
of a theory cannot be used where
is simply the other side of Dworkin's worst possible theory case of law. That of law would not want to argue the make. Specifically, a realist theory of law would want to however, would miss any point that best of the argument. This response, in failing to take rights seriously, weaken a vital mechanism for the protection of individuals. What he cannot consider is the possibility that the abstract and justificatory character of legal reasoning is complicit in the reproduction of inequality and discrimination.

To this he might respond that he has considered and rejected this possibility, and it is up to those who wish to argue that thesis to do so. Then others can judge who gets the best of the argument. This response, however, would miss any point that a realist theory of law would want to make. Specifically, a realist theory of law would not want to argue the worst possible theory case of law. That is simply the other side of Dworkin’s coin. Direct argumentative testing of a theory cannot be used where theories are contradictory rather than competitive. In that case argument must be preceded by a dialogue aimed at mutually determining the issues about which the parties disagree. These issues will concern the premises of the theories, not their substance. If, contrary to Dworkin’s view, it is believed that his kind of utopian endeavour serves only to legitimise and perpetuate contradictions which have the consequence of advantage to others, it becomes important to disrupt his purpose by exposing and refusing his argumentative strategy.

Certainly my argument must proceed from its own assumptions, and that is, realist assumptions affirming the relative independence of truth and goodness, and rejecting judgmental as distinct from epistemic relativism. These inform my argument that it is practically a mistake to argue a contradictory hypothesis against Dworkin at his level of abstraction. Argument with Dworkin must refuse the polarised abstractions he offers. That is, we should say that it is true that individuals are entitled to equal concern and respect and that law can be seen as integrity. But then we should say that these are merely abstract truths; that in actuality individuals are not accorded equal concern and respect and legal practices are incomerently oppressive for some communities within the nation state.

If our purpose is to mediate that contradiction between the ideal and the actual, so as to further the realisation of bourgeois ideals of liberty, equality and fraternity, it is simply not good enough to ignore these inconvenient plain facts. Northern Ireland, for example, clearly gives the lie to an assertion that disagreements about the boundaries of political communities “... do not arise in the countries of our present main concern”, (Dworkin, 1986, p.208) and it is not adequate to deal with that point as Dworkin does in an end-note which says “I ignore the special problem of Northern Ireland here”. Why is it a special problem? Do the indigenous people in America and Australia pose special problems of the same kind? Why? We need theory to acknowledge and understand the concrete complexity of social relations from which these truths have been abstracted. Unlike Dworkin’s theory it would exclude reference to the point and effectiveness of the methods and practices of thought by which contradictory abstract truths are formulated. To offer as truth conditions one set of abstract truths, facts and narrative consistency, merely conceals the assumptions underlying the set. Analysing the sources of plausibility and persuasiveness in that story may be more helpful.

Coherence, integrity and equality

Dworkin’s thesis amounts to this: The one right answer to the question “what is law” is that we should interpret law as integrity, and this answer is right (“true”) in the sense that it is the best for “us” in the long run. The “us” in question may be restrictive, but as Dworkin’s discussion of critical legal theory shows (Dworkin, 1986, pp. 271-277, 440-444) he is ungenerous. Anyone can join his “us” so long only as they abstract their being to the being in time of a white liberal, protestant, patriarchal apologist for capitalist social relations. Now Dworkin knows as well as anyone that claims about what is best for “us” in the long run are dogmatic. They are metaphysical claims which are logically irrefutable and empirically unsupportable. Their function is to provide a bottom in purely ideological argument. Without more there is no reason to take more notice of what Dworkin thinks best for us in the long run than of what Mr Trump or Ms May think is best for us in the long run. But there is more: three distinctive strengths of structure, method and content.

The first is argumentative strength or philosophical coherence which his theory gains from the strategy of abstraction explained in the last section.
A claim can be defended against all converts of the conceptual framework within which it is constructed and defended in a closed framework in the sense of supposing its own conclusions and excluding (as invalid, irrational, irrelevant or just plain bad) argument or evidence which brings those presuppositions into question. So far as formal argument is concerned, basic premises must be presupposed.

Furthermore, I do not think that this is a sufficient reason for denying formal argument a place in social theory. Argument is one way of testing theory and arguments need form. The skill of finding a premise sufficiently general and plausible to ground a conclusion without obvious circularity does not guarantee the truth of an argument. But because it lacks absolute value. At this level, those who argue otherwise are, indeed, disappointed absolutists who recognise only polarities as mutually exclusive candidates for truth. They fall into the trap of accepting Dworkin’s method of polarised argument and fail to see that formal defensibility in social theory is necessary if not sufficient for the task of displacing ideological understandings of social life (Kerruish, 1987). Techniques and strategies for excluding challenge, however, are something else, power games less consistent with inquiry than with persuasion. Here we come to the displacement of dialogue by dogma. I return to that in the final section. For the moment the point is that by further abstraction of a theory of constructive interpretation with its substitution of facts of narrative consistency for empirically or even semantically supportable facts, Dworkin has developed a coherent framework for his argument.

The second strength of Dworkin’s argument is the methodological good sense in constructing a theory of law from consideration of law in its integrity. It is surely the case that any phenomenal process, if conceived as having a definitive beginning, a definitive end, and a normal mode of operation, can be considered in its integrity, that is in its wholeness, in the soundness of the modus operandi, given the beginning to accomplish the end. Further, I would endorse the principle of method that social phenomena ought to be so considered, initially and provisionally. It involves no denial of the relations between social phenomena; it is necessary, in thought, to isolate it, to consider it as if it were a discrete object of knowledge. Marx, for example, making those assumptions, considers the process of commodity production under capitalism from the point of view of its integrity in this sense (Marx, Capital Chapter 4). Dworkin’s notion of integrity is, of course, a moral notion against Marx’s abstraction of the circuit of production – commodities transformed into money which is transformed back into commodities.

The point here is to understand how he constructs ideas of individuality and associative community from practices of thought and language in law’s hermeneutic situation – tradition of liberalism in capitalist social formations. Dworkin’s theory seeks to legitimise liberal welfare rather than laissez-faire capitalism, and interpreting law as integrity facilitates the transformations from classical liberalism necessary to achieve this coherently. So, acceptance of integrity as a political virtue transforms the associative individual who is entitled to indulge rational self-interest in private dealings, into the official who is not (Dworkin, 1986, p.174). And acceptance of integrity transforms a “bare community”, in which there may be no obligation to obey the law, into a “true community”, where, except in the case of a conflict between the requirements of integrity and those of justice, there is (Dworkin, 1986, p.201).

Now without doubt, to those whose needs for food, shelter, work, education and leisure are insufficiently met because liberal theory defends rational self-interest in dealings it defines as private, law’s empire offers only dreams. And to those whose ideals of the community are different from Dworkin’s, not even dreams are offered. Dworkin has abstracted his reciprocity requirements for a true community from “what most people think about ordinary” political practices. Those who disagree are “… outside the community of useful or at least ordinary discourse” (Dworkin, 1986, p.71). But moral indication on these counts is not my point. Labelling the opposition useless and abnormal is merely an unsophisticated power play.

The thrust of my point is to recognise that the plausibility and persuasiveness of Dworkin’s arguments derives from the appropriateness of use of the notion of integrity to abstract a concept of law from its hermeneutic situation, and from his recognition that the situation is indeed the traditions of laissez-faire and then liberal welfare capitalism. This second strength in Dworkin’s theory, then, supports the first. The incoherence of liberal legalism which has been urged by some critical legal theorists is further resolved, quite simply, by taking the question “what is law” to a higher level of abstraction from capitalist social relations made for the purpose, or with the intention (in Gadamer’s expanded sense) of reproducing those relations.

It is for this reason that Dworkin is able to derive his theory of liberalism from the single basic value of equality and this brings us to the third source of strength in Dworkin’s theory – its truth content. If we reject the conception of ideology as being false consciousness, and accept the idea that the categories of jurisprudence are “… forms of thought expressing with social validity the conditions and relations of a definite, historically determined mode of production”, (Marx, Capital) and if we add in here, recollection that the
truth conditions of Dworkin’s theory begins to emerge. It is, I suggest, the truth of the centrality of commodity exchange in the capitalist modes of production and the social reality of the value of commodities. This social reality inheres in the social relations which allow products and commodities which are not equal to be equated for exchange purposes so that, at least as far as the continued operation of the market is concerned, the proportions of unlike commodities which each party to the transaction gives and receives are adequately commensurate. Of course, I do not for a moment suppose that Dworkin subscribes to the labour theory of value. But neither that nor the limitations of the labour theory of value need to be asserted or denied in the argument I am making. Nor is it necessary to go so far as Pashukanis (1978) and claim that the form of law is given by relations of exchange. I am merely pointing to the importance of exchange relations in capitalist economics and to the continuing validity of Marxian explanations of the centrality of the concept of equality in bourgeois ideology.

Commenting on the demand for just distribution of the proceeds of labour made in a programme of the German Worker’s Party, Marx said:

Clearly the same principle is at work here as that which regulates the exchange of commodities as far as this is an exchange of equal value … Hence equal rights is here still – in principle – bourgeois right although principle and practice are no longer at loggerheads, while the exchange of equivalents in commodity exchange only exists on the average and not in the individual case … A right can by its nature only consist in the application of an equal standard … (Marx, Critique of the Botha Programme)

Again I do not imagine Dworkin has been guided by Marx’s perceptions. It seems reasonable enough to suppose that a hundred years after Marx emphasised the equality in capitalist social formations, a liberal theorist has been able to work out the same thing. Nor do I imagine an appeal to Marx’s authority concludes the issue even as if it is now supported by the authority of Ronald Dworkin and the god Hercules. I do not think it possible to argue issues of value conclusively. Nor do I claim that equality is always dominant, in every sphere of life and in all personal and social relations, as a value. Patriarchal relations, for example, are hierarchical rather than equal. But even there, it can be argued, and indeed Dworkin does argue, that good-faith paternalism need not be inconsistent with the accord of equal concern and respect to men and women (Dworkin, 1986, p. 204).

His argument may be offensive but it is not nonsensical. Equality is not identity. Standards of equality may be multi-determined or thin, they may be set arbitrarily or purposively. If, as in Dworkin’s argument, a subjective, good faith belief that a discriminatory practice is in the interests of those discriminated against, can satisfy the requirements of equal concern and respect, the form and content of that standard may serve the purpose of legitimising a hierarchical structure very well and have value, for some, for that reason. The kind of equality in issue, it must be remembered, is merely the abstract possibility of commensuration. Money realises that possibility in a very wide range of cases. Concern and respect due to individuals in recognition of their shared humanity is an equally malleable currency in moral and political relations. This is the truth content of Dworkin’s theory.

Concluding remarks

I have argued that the strength of Dworkin’s theory of law is explained by reference first to the level of abstraction of his theory, secondly to the good sense of the methodological premise that social phenomena should be viewed in their integrity, and thirdly in the perception of equality as the central value of capitalist social formations. The consequence of this is that the starting point in Dworkin’s model of law as integrity, the right of individuals to equal concern and respect, is functionally appropriate to his political purposes, namely defence and justification of welfare capitalism, or to put the same thing another way, construction of a liberal theory of justice. The question of his method of argument and logic of principle, and of what these entail – the denial of logical space between individual rights and perfect substantive justice, as between particular propositions of what the law is and a general theory of what the law is – remains for consideration. We can approach it this way. Whatever qualities of saintly humanism the prince in Law’s Empire might have, lawyers in the United States and Britain are hard-nosed. So we might ask what is being offered them as palliative to the possible response: “So if we presuppose rights we get to heaven. Fine, we’ve heard it before. But how?” Dworkin’s answer is to elaborate a method of deciding cases which, were it possible to have comprehensive knowledge of all grounds of law, would almost always come up with one right answer. Hercules, the ideal judge-prince in Law’s Empire, is a necessary participant in this story. Dworkin can be privy to Hercules’ method of deciding cases but he cannot claim to know all the grounds of law.

Now without doubt, Dworkin is highly skilled in the lawyer’s art of abstracting a reason for decision from a mass of material cases, statutes, scholarly literature. His technique of legal reasoning is distinguished by excellence and perhaps the claim he can make for it – that it ought to be accepted as the ultimate standard of saying what the law is – has validity not only within American professional legal culture but also within the different cultural context of the diverse nations to which Britain has exported its model of legal institutions, of which South Africa is not an exception. Certainly that would homogenise the interpretive community of common law jurisdictions. The loss of cultural difference may be regretted by some and others may wonder whether the appellate court model of legal reasoning has quite the ubiquity of legal practice which Dworkin claims for it. But we are, after all, considering law’s empire not its municipality. If the model does not have the ubiquity claimed, then Dworkin’s point is that it ought to, ought to if the end sought is the reproduction of the legal relations of a capitalist social formation. It is that basic norm. Reason so as to increase the
power and ubiquity of appellate court judges – which is the practical ground of Dworkin’s theory. And Dworkin is going much further than Kelsen ever did. No antithetical sphere of causal relations, no logically distinct sphere of empirical fact of “is-ness” as distinct from “ought-ness” is presupposed. The interpretation of social practices “…essentially concerned with purpose rather mere cause.” (Dworkin, 1986, p.151).

But what if some other “we” than those in Dworkin’s contemplation, quite simply does not want to increase the power of appellate court judges? What if this same “we”, while agreeing on this is/ought issue, that the point is indeed to change the world, hold the considered view in that order to do that it is necessary to recognise that the world has a way of its own?

And if the view is put that a realist concept of truth should guide our theory, could Dworkin repeat the response offered to critical legal theorists, that advancing that principle is procrustean and groundless, that it rests in a “crude mistake in logic” and “argues in the wrong direction” (Dworkin, 1986, p.443). I think not.

It is not procrustean precisely because, unlike a constructive theory of creative interpretation, it does not aim to impose a purpose of anyone. It is not groundless (meaning unsupported by coherent argument) because it is coherently argued in realist philosophy (Bhaskar, 1979; Keat and Urry, 1982). It argues in the wrong direction if a reflection theory of correspondence or some form of direct realism is adopted, if the active moment of knowing and understanding is neglected. But however often it has been ignored in bourgeois philosophy and overlooked in Marxist traditions, the perception which Marx formulated in the first of his theses on Feuerbach negates the suggestion that realist epistemology is committed to a reflection theory or to direct materialism. Nor, as Sayers (1985) has demonstrated, it is the case that this perception must remain imprisoned in Marx’s epigrammatic formulation. The case to be answered here is not one which is vulnerable to Dworkin’s assertion about correct and incorrect directions. Like his own method of abstraction, the realist case moves both ways. The difference lies in the degree of abstraction of truth conditions asserted. A materialist dialectic or realist philosophy, without denying the normativity of legal and moral discourse, may aspire to explain its form and content in causal and historical terms and seek a theory of social value in terms of social relations and the needs of life.

Dworkin cannot be unaware that there is no uniquely correct logic for political or any other discourse. The normative character of logic may not have been widely advertised by professional logicians, but it is admitted (Wittgenstein, 1958, p,38). So if it is a mistake in direction which constitutes the “crude mistake in logic” of which he accuses Hutchinson (and critical legal scholarship generally) (Dworkin, 1986, p.443) it is incumbent on him to prove it. No doubt Dworkin’s excuse for merely stamping on those who disagree with him concerning the justifiability of interpreting law in its best possible light is that he is “entitled – indeed obliged” to assert the truth of his political views. And after all, he is not “really” stamping on them. He is only continuing the tradition of forensic adversarial argument, where discovering truth by a dialectic service of question and answer is a method of argument in the service of technique aimed at winning the case. It is not that law should be theorised in its worst possible light, although that may be the only alternative which Dworkin’s method of polarised argument allows. But this strategic manoeuvre need not succeed. Between law’s dreams and the degraded actualities of declining

Western economies (Veitch, 2004) there is space for knowledge and understanding of law’s transformative potential and limits, and for politics more intelligent than a mere assertive and technically proficient utopianism. Just like in a Greek tragedy, the light goes off and it all just looks like a dream. A very noble dream. ■

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Endnotes
1 Ronald Dworkin Law’s Empire is his first systematic book-length treatment of the legal theory of adjudication.
3 In “The idealism of American criticism” [1986] Terry Eagleton puts forward the notion of ‘broader consciousness’ (“that Nature was there before we were”) as an enduring motif of American ideology. This is a useful concept in understanding Dworkin’s theory.
4 This characterisation of judicial disagreement may well be sustained, but not by the method of polarised argument which Dworkin employs.
5 For this instrumental view of language, see Austin [1956]; for its critique, see Gadamer [1975].
6 For the distinction between judgmental and epistemic relativism see Bhaskar [1979] “The first is the correct thesis of epistemic relativism, which asserts that all knowledge is transient, and neither truth values nor criteria of rationality exist outside historical time. The other is the incorrect thesis of judgmental relativism, which asserts that all beliefs statements are equally valid, in the sense that there can be no (rational) grounds for preferring one to another.”
7 For over a hundred years, the legal scholarship agreed that Locke was the patron saint of Anglo-American ideology in the 18th century and that liberalism with its stress on individual rights was the dominant ideal in that enlightened and revolutionary era.
8 “The chief defect of all previous materialism that a Feuerbach included is that things (Gegenstand) reality, sensuous activity, practice, not subjectively. Hence it happened that the active side, in contradistinction to materialism, was set forth by Idealism but only abstractly, since of course Idealism does not know real sensuous activity as such…” (Marx, Thesis on Feuerbach).
9 This issue, like the issue of the possibility of a general theory of interpretation, necessitates Dworkin very selective use of Gadamer’s theory of truth and method in the human sciences. Gadamer argues that the art of dialectic is not the art of being able to win every argument and that it consists, not in trying to discover the weakness of what is said, but in bringing out its real strength (Gadamer, 1975). Legal reasoning has a dialectical content in this sense concerning the interpretation of authorities etc. argued in support of a decision. In common law jurisdictions however, that is intersected by the adversarial mode of argument with its premium on tendentious interpretation and sophistical argument. Both are characteristic of law’s tradition and are continued in Dworkin’s jurisprudence. See further Kerruish [1985].
10 Dworkin’s approach supports the liberal’s position. This led Cathrine O’Regan, the former judge of the International Journal of the Sociology of Law.
11 See further Kerruish [1985].
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Politics

Some thoughts and ideas on the cadre of the revolution

The cadre-ship status of long serving members or leaders of the movement who cause divisions and instability in a revolutionary movement must be questioned and dealt with.

By Thando Ntlemeza

It was the renowned Vietnamese revolutionary, Le Duan, who correctly stated that:

*The revolution needs a contingent of cadres who are equal to their political tasks, with regard to their number and quality as well as to their composition, a contingent of cadres capable of fulfilling to the highest degree the requirements of the political tasks in each period…*

He not only talked about the capacity and capability of the cadres but also emphasised the importance of the sufficiency in numbers of the cadres to be able to influence the determination of the political outlook and direction of the organisation. Le Duan was aware that without sufficient numbers, cadres could be chased out of the organisation by those who did not feel comfortable in the presence of cadres who could reprimand members or leaders who acted contrary to the values, principles and protocols of the revolutionary organisation.

On the importance of cadres in revolutionary movements and in pursuing the revolution, Mao Tse-tung emphasised that the revolution does not only need a revolutionary movement but members of a particular kind – the cadres. In a similar vein, Che Guevara underlined the importance of cadres as he regarded them as the backbone of the revolution, without whom no strategic objectives of the revolution could be achieved.

Setting the scene

We have heard some of the members or leaders of our movement, young and old, referring to themselves as the cadres. Others use terms such as ‘cadre’ and ‘member’ interchangeably, as terms with the same meaning. Whereas both terms refer to the human elements within the organisation, they do not mean exactly the same thing as we shall show in our discussion.

In his literary contribution titled *Strategy and Tactics*, John Rees starts the discussion on the cadre by saying cadres are members of a revolutionary movement who have reached a certain level of political understanding and with practical organising experience accumulated over years of involvement in the struggle. He further argues that cadres can only be members who provide the movement with much needed stability, durability and effectiveness in prosecuting the struggle. Thus the cadre-ship status of long serving members or leaders of the movement who cause divisions and instability in a revolutionary movement must be questioned and dealt with.

Without completely rejecting a view that high level of political understanding and practical experience in the struggle are important in defining the cadre, Lenin said cadres cannot simply be defined as members of the organisation who know and understand the theory of the revolution or who have practical experience in the struggle. Neither can they be cadres merely because of their advanced age or long time in the movement or the struggle. So, who is the cadre?

Defining the Cadre

Different schools of thought in linguistic studies approach the definition of words from various perspectives depending on areas of emphasis. What appears to be the persuasive view is a perspective, which suggests that words are hollow but are given meaning for usage by the people who want to use them. However, some may retain their original or given meaning, even though that meaning may be enhanced or reduced in certain contexts of their usage.

In defining the term ‘cadre’, Marc Newman starts by narrating the historical origins of the term. In particular, he tells us that the term is derived from the military where cadres refer to the officer corps that lead particular actions and translate experiences on the ground to the general staff and directions from the general staff to the troops. In the context of political movements, Newman talks of the approximation of a political function of cadres – as that layer of members who carry the movement and the glue that holds the movement together.

Just as much as the army requires
cadres to lead particular actions and translate experiences on the ground to the general staff and directions from the general staff to the troops; our movement needs members described by Ho Chi Minh in the Testament as those members of the movement who are deeply imbued with revolutionary morality, and who demonstrate industry, thrift, integrity, uprightness, dedication to serving the people and complete selflessness.4

Delegates at the Kabwe Conference of the ANC in 1985 described the essence and the character of the cadres on the basis of the revolutionary values and attributes such as loyalty, discipline, dedication, devotion and determination and belief in our ideological line of revolutionary nationalism and anti-imperialism. In addition, the Mafikeng Conference said cadres must be committed to self-improvement, criticism and self-criticism, national and gender consciousness and the organisational processes.

Emphasising the capability aspect, Che Guevara defined a cadre “as an individual capable of self-analysis, which enables him to make the necessary decisions and to exercise creative initiative in such a manner that it won't conflict with discipline...” Che went on to emphasise that “… the cadre… is creative, a leader of high standing, a technician with a good political level, who by reasoning dialectically can … develop the masses from his position of political leadership.”

Trotsky, in his book History of Russian Revolution, defines cadres of the revolution in relation to their leadership role. In particular, he says cadres of the revolution are those members of the movement who are able to act without, and in many instances despite, direction from the centre; or who are capable of independently figuring out what needs to be done in any phase of the revolution to assist the movement and the revolution, without waiting for guidance from the centre,5 or members capable of providing direction to the centre.

Differentiating Cadres from Members

Within the context of educating us on the distinction between a member and the cadre, Gwede Mantashe has stated that cadres should be distinguished from the ordinary members and challenges us “to appreciate the journey one must travel from being a member to being a party cadre.” In particular, Mantashe stated that, “While every party cadre is a party member, not every party member is a party cadre. Cadres are those party members most responsible for the organisational fulfillment of the party line. They are the core of the [organisation], its cementing foundation.” Hence, the “party cadres must be capable of doing everything [and be] skilled in the implementation of the party tactics in whatever form of the struggle they may be required to [actively] participate.”

Cadres are those members who understand the political significance of renewing themselves and moving with times in order to remain relevant in any phase of the revolution. They know and understand that the revolutionary movement has to retain and preserve its cadres because they embody its value system, which is necessary for its survival. Cadres are that section of members which understands the need to integrate new members who prove to be capable of leading the movement and revolution in new conditions of the struggle.8 But they are not gatekeepers who deny their organisation access to new members who have the potential to make a meaningful contribution to the life of the organisation and struggle pursued for the greater good. In other words, cadres are members who are passionate about identifying talent inside and outside the organisation and nurturing it for the benefit of a revolutionary cause.

In the final analysis, cadres can be defined as the most advanced members of the revolutionary movement whose cadre-ship status cannot be judged on the basis of their positioning in the movement or state institutions, as holding a leadership position is not a defining feature of the cadre. Cadres are cadres because of their embodiment of cadre-ship values and principles and their consistent adherence to these values and principles. In other words, cadres should not be confused with the members who are micro-waved into higher positions in the movement or government because of their contribution and loyalty to the factions, not because of their cadre-ship credentials, as many members who cannot strictly be defined as cadres are found in leadership structures.

Revolutionary movements and the concept of the cadre

Whereas Mao Tse-tung teaches us about values and principles that define cadres of the revolution, to him the organisation is important in the life of the cadres because it is the organisation which imbues cadres with revolutionary morality and also develops their theoretical, ideological, organisational and political capacity to undertake the political tasks imposed by each phase of the revolution. Given this, defining revolutionary movements becomes very necessary.

Like most national and socialist movements in various parts of the world, which pursue the struggles that seek to liberate masses of the people from their oppression and exploitation to which they have been subjected for years, the ANC defines itself as a revolutionary movement.9 It locates itself within the category of the political movements which pursue the liberation struggle, being guided by revolutionary values and principles that its members and leaders have to embrace because they are important tenets of cadre-ship of the revolution.

Revolutionary movements need a resilient and sustainable value system,
which should remain appealing to many generations over the years. For this to happen, the movement has to develop from among its members a crop defined as the cadres to develop, defend and sustain this value system because they know that it is what defines their movement and guides the conduct of its members and leaders. This often requires a very intensive theoretical and ideological education and training of members and leaders on revolutionary values, principles, traditions and protocols of the revolutionary movements.

For members and leaders to earn the status of being true cadres of the revolution they have to embrace revolutionary values, principles, traditions and protocols and remain loyal to them, and to the country and its people. Coupled with this loyalty to the organisation and the country should be their unquestionable commitment to discharging the responsibilities which arise from the political tasks allocated to them or to the position to which they are deployed, as no member or leader can become a genuine cadre by a mere declaration or proclamation.

**Cadre-ship values and principles in the ANC**

No matter which definition of the cadre one prefers, nobody would dare challenge us when we say the ANC and many of its leaders have always embraced the concept of the cadre. In particular, these leaders were cadres themselves because they embraced the values and principles, which are the defining features of the cadre. They were part of the cadre generation that never disappointed their organisation and the people through un-comradely or criminal conduct, which is the antithesis of the revolutionary morality expected of cadres.

Without any doubt, President Oliver Tambo belonged to the generation of the exemplary cadres of the movement and the revolution. This is so because he is one of those who never compromised their standing as the cadres of the movement and the revolution. In fact, Tambo was always exemplary to the ANC members and non-members alike because he embodied and practically lived by the values and principles which define the ANC comradeship and cadre-ship.

In locating Nelson Mandela within the rare breed of the cadres who actively participated in many pillars of the liberation struggle because of their known commitment to the struggle against the brutal system of apartheid colonialism, Gugile Nkwinti says Nelson Mandela was a living embodiment of the values of loyalty, integrity, selflessness, humility and honesty which are the defining features of the cadre. Precisely for this very reason, our people have never been shy to sing “Nelson Mandela, akekho ofana naye”, “u-Mandela wethu sizomlandela.” (Nelson Mandela, there is no one else like him, we will follow Our Mandela).

Reality is that cadre-ship is often associated with leaders of the revolutionary movement to be able to determine a correct political path. They did this because of their understanding of the objectives of our revolution and the role the ANC is supposed to play in the revolutionary struggle. Most importantly, it was because of their determination to pursue the struggle to its logical conclusion – being the liberation of our people and improvement of their lives.

Whereas some of the cadres may be the unsung heroes and heroines of the liberation struggle, they gain recognition because of their intervention when negative tendencies emerge in the organisation and threaten to divert the attention of the movement and its leadership from discharging their historical responsibilities. They make these interventions because they are the cadres who care about the vision, mission and role of the ANC in liberating the historically oppressed masses of the people who view the ANC as their only beacon of hope. These are the cadres who remain loyal to a leading movement in the revolution, the ANC, instead of being loyal to individual members or leaders of the organisation. For this reason, they have never allowed any leader, member or anyone to drive their revolutionary movement astray without putting up a fight against tendencies with a potential to destroy the movement.

At all times, those members who have been regarded as the genuine cadres during the very difficult phases of the liberation struggle as well as in the challenging times of democratic dispensation have always ensured that their own liberation movement is forever on the side of the masses of the people because they know and fully understand that theirs is a people’s movement which must represent and articulate the interests of the masses. Because of this very knowledge and understanding, we can say guiding these cadres of the movement must have been their knowledge of the essence of the cadre-ship of the revolution.

**Desirable cadre-ship attributes for now and the future**

The Conduct of the New Cadre consolidates various contributions
on the cadre from many years of debate and comes up with desirable qualities for cadres. In particular, the document states that ANC cadres should:
• conduct themselves in a manner that enhances stature and image of the organisation;
• know and understand that destructive criticism is the antithesis of the comradely discussions that must take place in any revolutionary movement;
• understand that constructive criticism means being able to point out weaknesses to other comrades to help and present alternatives aimed at removing such weaknesses;
• be willing and have the courage to admit the faults and weaknesses in themselves;
• know that self-education enables members and leaders to make accurate analyses on the basis of which they can contribute to the formulation of the policies, political direction and activities;
• know the organic link between theory and practice, and that “theory without practice is sterile, and practice without theory is blind...”;
• defend the organisation and its policies against hostile influences, but guard against blind loyalty and defending even when criticism is valid;
• understand risks and dangers they present to themselves, other members of the organisation and the movement by certain actions;
• not engage in factional activities because they know that these activities destroy the organisation and those comrades with leadership potential; and
• be prepared to sacrifice personal interest for public good; and not be prepared to sacrifice public for personal interests.
These qualities must be nurtured with an understanding that consolidation or weakening of the people’s faith in the cause we pursue does not depend on failures in the revolutionary path but on the degeneration of those who traversed the revolutionary journey before.10 Going forward, cadre qualities and attributes must be encapsulated in a comprehensive policy that talks to all aspects of the cadre.

CALL TO THE CURRENT GENERATION OF CADRES
Mao Tse-tung described the cadres of the revolution as those members who were versed in revolutionary theory, politically far-sighted, competent in work, full of the spirit of self-sacrifice, capable of tackling any problems on their own, and who are steadfast even in difficult times and remain loyal to their organisation, the country and its people.31 He appears to be describing the kind of the cadres the ANC needs at the current juncture to defend and protect it from negative and destructive tendencies which compromise its integrity and reputation: something that has made many lose confidence in the ANC. In other words, the cadres Mao Tse-tung describes are the kind of members required to help the ANC regain the trust and confidence of the people. Many people have become skeptical of the ANC because of the counter-revolutionary conduct of some ANC leaders and members which compromises the integrity, intellectual and moral standing of the ANC in society.

At the current political juncture our democratic movement and the revolution are confronted with many serious credibility challenges. These may undermine and collapse the revolutionary project. Cadres of our times must not hesitate to raise their hands as a generation with one mission: to promote, protect and defend the ANC and the revolution from anything that may derail our collective efforts aimed at building the National Democratic Society.

Like the previous generations of cadres who proved themselves in the course of the struggle, ours should be a generation of cadres that will jealously protect and defend the ANC and the revolution, not because they see opportunities for self-enrichment and self-glorification but because they know and understand that they are not in the struggle in order to enrich themselves, their families and friends. Instead, their task should be to assist the masses of our people in their collective struggles, expecting no personal gain.

ANC members of our times must be cadres who will forever remain focused on pursuing a people’s cause because they understand that allowing the continuation of oppression and exploitation of the historically marginalised and neglecting the down-trodden in our society would be tantamount to selling out the people in times of need. Ours cannot be a generation which will only be remembered for allowing and assisting some of the leaders and members to destroy values and principles that define the ANC, in their quest for personal gratification.

Energies of the members and leaders of the ANC must be channeled to developing and preserving cadres for deployment in the organisation, government and the private sector with a view to both promoting and entrenching values and principles of the movement to win over people and mobilise them behind our efforts to consolidate the democratic gains of the revolution and to sustain the struggle to build the National Democratic Society.

In our collective efforts to develop and strengthen cadres and deploy in leadership structures the cadres who are ‘fit for purpose’ as leaders and members of the ANC we realise the dream of making the period between 2013 and 2023 the Decade of the Cadre. This will be the case if we succeed in developing, producing and retaining cadres who will sustain the movement and pursue the revolution to its logical conclusion: to liberate the people and transform the quality of their lives.

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5 Marc Newman “Cadre. Growth and Political Practice” in Socialist Alternative, September 2003, p1
6 Cwede Mantshane “Cadres must be equipped to tell the story of our country”, ANC Today, 7 – 13 June 2013
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8 John Rees, op.cit, p36
10 See Song Thanh, op. cit, p 443 where he talks about dependence of people’s faith on the future of socialism or communism not only on momentary failures of the time, but the degeneration of the pioneer combatants.
The nature of the concepts of tradition and modernity respectively are in and of themselves seemingly contradictory. Whereas one gives the impression of a collective history drawing from the cultures of past generations, the other implies a disregard or moving away from the past in pursuit of what is recent and thus relevant.

This article will look at the correlation between the concepts of ‘culture’, ‘tradition’ and ‘modernity’ and the impact these have on the collective development of ‘(pseudo) post-imperial African states’.

The use of ‘pseudo’ in brackets when referring to post-colonial states is to highlight my view that although African states have removed the colonial scourge, many, if not all, have been unable to successfully undo the imperial influence which was a crucial component of colonialism.

It is important when unpacking culture to differentiate between the ways in which the word ‘culture’ is used. Culture, as usually used colloquially, refers to a group of people with a particular set of practices specific largely to them. In this article ‘culture’ does not refer to a group of people but to the practices.

It is more accurate to define culture as the whole complex of traditional behaviour that has been developed...
by human beings and is successively learned by each generation (Birkukou et al, 2013:2). Culture is articulated by Cabral as “the vigorous manifestation on the ideological plane of the physical and historical reality of ...a people” (Cabral, 1973:41).

For the purpose of the article a variation of the concept ‘culture’, differentiated from ‘a culture’, is provided. The definition of ‘a culture’ is less broad. It can mean the forms of traditional behavior which are characteristic of a given society, group of societies, of a certain race, of a certain area, of a certain period of time.

The second concept that needs conceptualisation is that of ‘tradition’. Tradition can be defined as the cultural continuity of inherited established customary practices, beliefs, social attitudes and cultural-communal institutions.

Modernity, as a topic in the humanities and social sciences, is understood both as a historical period (the modern era), as well as the collection of particular socio-cultural norms, attitudes and practices that arose in post-medieval Europe and have developed since. In various ways and at various times, around the world/historical category, most notably modernity refers to a period marked by a questioning or rejection of tradition.

Initiatives to revive or reintroduce African values and value systems while simultaneously coupling this with efforts to achieve modernity to make them a relevant part of growth of the African state have not been fruitful. This inability to successfully merge a holistic cultural renaissance with the rapid development and modernisation of the state is manifest in Thabo Mbeki’s concept of the African Renaissance which drew from Pixely ka Seme’s “Rejuvenation of Africa” speech and Amilcar Cabral’s thinking around the “Return to the Source”. It also arises from confusing culture with the tradition that the culture draws from, and the clashing of culture with modernity.

Independent African states had to and still have to break the vicious cycle of being suppliers of raw materials and unskilled labour to the more developed countries while importing finished products from them, if they are to successfully connect with the rest of the developed/modernised world. Success in efforts to effectively modernise African states and their societies while simultaneously attempting to revive indigenous traditions/cultures has proved elusive. Many aspects of indigenous culture had already been badly battered by imperialism; others, in an attempt to preserve themselves, had taken refuge in rural areas far from the centres of colonialism and become rigid or distorted.

The apparent inability of post-colonial states to juggle development and modernity in terms of industrialisation, material growth and the well-being of their citizens can thus be traced to two major problems: firstly the conceptual misunderstanding where culture is confused with tradition; and secondly, the inherent opposing natures of tradition and modernity and the difficulties of reconciling the two.

Ideologically culture and tradition are two different things. The first is formed, manifest and defined in relation to the particular space and time in which it is located. So, for example, the culture of gender based violence particularly against women that is rampant in South Africa can be traced back to the 1940s, when the increase of violence in its various forms from the Apartheid state began to impact intensively on households.

Tradition can be defined as the cultural continuity of inherited established customary practices, beliefs, social attitudes, customs and cultural-communal institutions. Again making use of the example of the gender-based violence which had begun to take root in the 1940s, this was continued and further entrenched by successive generations. It then became a part of South African tradition which feeds and informs successive cultures.

It is important to note that tradition, due to its conceptualisation denotes antiquity, and is comprised of the attitudes, beliefs, practices and characteristics of older generations. It is also a result of its being a collective of continued practices, beliefs and ideologies that demands it be carried on, as a whole, uninterrupted and intact. Modernity on the other hand is the exact opposite. Based on definition it refers to newness, and is crafted by the changing of attitudes, actions and beliefs.

However, more importantly, in the content of African societies, the friction between tradition and modernity with regards to the development of the state comes at two points. The first is the result of the retreat of local customs and traditions to the fringes of societies, in regions largely untouched by colonialism and thus imperialism. Tradition, for many who believe in the preservation and rejuvenation of indigenous traditions, stands as a pathway back to a way of life not tainted by imperialism, or at the very least a semblance of it. The second point of contact is based on two things: one is in the definition of modernity, that being its referral to a period marked by a questioning or rejection of tradition; and the other is the misinterpretation (or manipulation) of the sanctity of the other in an attempt to preserve themselves, in a number of ways that the state comes at two points. The first is the result of the retreat of local customs and traditions to the fringes of societies, in regions largely untouched by colonialism and thus imperialism. Tradition, for many who believe in the preservation and rejuvenation of indigenous traditions, stands as a pathway back to a way of life not tainted by imperialism, or at the very least a semblance of it. The second point of contact is based on two things: one is in the definition of modernity, that being its referral to a period marked by a questioning or rejection of tradition; and the other is the misinterpretation (or manipulation) of the sanctity of or respect for tradition, as a means to leave tradition unquestioned and largely unchanged for the sake of ‘purity’.

For the author the issues between tradition and modernity manifest themselves in a number of ways that pool into the pulsating puss filled sore growing in all African states, the sore being ‘Societal Disjunction’.

The inability to reach conciliation between tradition and modernity affects society and stems from those who are ‘for’ tradition and feel that tradition has to be respected whether or not untouched by imperialism and those arguing the need for modernity to question/reject tradition. However...
with tradition comes the reality of traditional identities, to which many of us relate. These identities assist in defining our cultures and thus who we are as an individual, as a cultural grouping, and as a broader people.

Where the fuse is lit is at a point where traditionalists, culturalists and those who feel that due to the vast damage done to traditions and cultures the traditional practices, beliefs and attitudes that have been able to survive should be strenuously protected. This is important simply because these are ties back to what our various predecessors have left for us, and they provide a pathway back to who we were. They also feel that the questioning and or rejection is what leads to the rapid deterioration of traditional and cultural identities throughout the continent.

The argument that individuals who stand up to question the different roles and practices generally accepted by traditions and cultures are either ‘lost’ or ‘detached’ from their traditional identities to Westernisation, or, more ludicrously, so comfortable with the traditions, cultures and Western forms of identities seared into them by imperialism that they would rather reject their own traditional/cultural identity could not be further from the truth.

A harsh reality that must be faced is that as a result of the vicious, rabid and far reaching effects of imperialism, no tradition or culture went untouched by its corrupting hand. With this infiltration on local traditions and cultures came the gradual seeding of Western imperial traditions and cultures within our own. This includes colonial imperialistic standards of power and subjugation.

The questioning of traditions or rejection of traditional values as a result of modernity is two pronged. Firstly, it can be understood as coming from a place of societal growth and maturity. As a society or groupings within society develops and grows, it is natural for there to be a questioning and rejection of long held traditional ideas and practices if these come as a hindrance to the healthy collective progression of that society.

Secondly, ironically enough, the questioning of traditions may, in many ways, represent a historically accurate, holistic attempt at a rejuvenation of African traditions. This may lead to a fully revised, all-inclusive tradition that has successfully rearticulated gender, sexuality, ownership and spirituality in the historical African context.

The societal disjuncture caused by the questioning of traditions and thus traditional identities highlights not only the stubbornness of long entrenched practices, but also the unwillingness to give up certain powers, privileges and rights bestowed upon certain groupings of people by the current traditional, cultural and societal dispensation.

Societal disjuncture also comes with the rapid development and modernisation of the state and the rather uneven development and modernisation of the society that inhabits the state. Thus as the state develops and grows, it is natural for these interactions impacted the state and society.

What this translates to, for me, is that for a state to genuinely pursue modernity for both itself and its people it must continue to seek reconciliation between the traditions, cultures and the identities that exist and the holistic, collective progress of society. It also suggests the need for a new imagination of a modernity that does not only draw from the imperialistic idea of modernity.

However, the largest step in the reconciliation between tradition, culture and modernity is the historically accurate understanding of indigenous traditions and culture, its different social groupings and its interactions with colonialism and imperialism, and how these interactions impacted the state and society.

References

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FROM VICTIMS TO CHAMPIONS OF DEVELOPMENT

Reclaiming Africa’s position in the postcolonial era

The world will respect Africa when she takes charge of her own future rather than crying foul about the world order which is not likely to change to accommodate Africa.

By Isaac Nkuna

Africa has been struggling over the years to achieve the development necessary for meaningful economic growth and distribution of wealth to address the triple challenges of poverty, unemployment and inequality. The Human Development Index shows that the quality of life in most African states is below acceptable standards (Andreasson, 2010). Africa’s development challenges, legacies and shadows of the past that hinder the advancement of the continent are well documented in literature. The analyses on Africa’s challenges have tended to take a defeatist point of view which depicts a continent caught up in a vicious cycle of global plots and conspiracies aimed at undermining the continent’s political, social and economic systems. True as this view may be, it has however created a sense of hopelessness and victimhood which has seen Africa struggle to experience a paradigm shift from being victims to champions of development.

In recent years, scholars and politicians continue to accurately demonstrate how under the sophisticated and subtle neocolonial system resources continue to be looted out of the continent. It appears that the shadow of the colonial master continues to haunt the rest of Africa, including countries like Ghana that were the first to receive independence (1957) from colonial rule. African states are not engaged in meaningful and fair trade but remain suppliers of raw materials to the so called developed world. The millennium development goals set by the UN remain elusive, as poverty, hunger, inequality and unemployment reign supreme throughout the continent notwithstanding the progress by some countries (Waage et al 2010). Mills (2010:2) states that ‘in a half a century of independence Africa has not realised its potential’.

Most African leaders, though sounding radical in speech, are advancing the cause of the colonialists by allowing the continent to degenerate into a state of perpetual instability, poverty and underdevelopment. The common argument often heard is that the instability of the continent is being caused by external global forces or former colonial masters which are beneficiaries of crises such as civil wars, corruption and political upheavals. The problem with this statement is not its
truthfulness but the acceptance that as long as such forces exist Africa is doomed or helpless to chart its own path of development. The statement seems to assume that all nations that have succeeded in overcoming their development challenges such as East Asia that reduced poverty from 60% (1990) to 3.5% (2016) have done so without any obstacles or forces to contend with.

The general outcry by conspiracy theorists is that Africa is a victim of economic hit men, multinationals, the IMF and other foreign agencies from the most powerful countries (mostly in the West) who continue to destabilise the economies of the continent, experimenting with all sorts of defunct theories and structural adjustment programmes. The fact that there are other countries that managed to move out of the trap of poverty means that Africa can do it too. It is most important not to remain a victim but to learn about the principles and steps taken by such countries to reach their success. Mills (2010) indicates that good examples of development can be drawn from East Asia, South and Central Asia, and Central America.

Some African leaders, especially in the African Union (AU), have delivered critical speeches in which they outlined causes of Africa’s economic miseries, underdevelopment and challenges which have mostly been centred on its painful colonial past and the continuation of such legacies in the present. The problem with the above approach is that it does not address the actual issues but only serves to make the victims feel better knowing that the problems are not of their own making but that of an external force. True as this may be it is important for us to realise that some of the problems created by colonialists were worsened by lack of good leadership and accountability from the continent itself. There is sufficient body of literature to demonstrate that some percentage of Africa’s problems are as a result of its past and painful colonial history, whereas others are internally generated even long after the colonialists left the continent (Mills, 2010). Africa has no choice but to find solutions to her problems if she wants to overcome the scourges of poverty, inequality and underdevelopment.

Change and development in Africa should not depend on the benevolence of the rest of the world. This has proved to be unattainable in the current world order with developed countries viewing Africa as a beggar for development aid. The main issue should not be about convincing the West or global media that we are better or human like them but to chart our own development path that will make even the worst cynic or racist ashamed to write a negative story about us. When Africans are no longer running all over the world as refugees or immigrants due to wars, deprivation and poverty, their dignity will be enhanced. There will be no need to react to stories that degrade Africans, because Africans will not be victims any more but masters of their own destiny. There will be no need to sail the dangerous seas because Africans will have opportunities within the continent.

These issues should preoccupy the African Union instead of their wasting time reacting to racists who have no respect for the continent. Some people ingenuously believe that writing positive stories about the continent can change the negative perception – but this can only have a short-term impact. However it is not positive narratives but action that will transform our continent politically and economically.

It is worth noting that although learning from other continents remains important, Africa’s challenges can be addressed by focusing on herself. While there is nothing wrong with pursuing a global approach to issues, it is important to take an inward approach focusing on strengths and weaknesses (internal) before dealing with opportunities and threats (external). The approach taken by the African continent has tended to be exogenous rather than endogenous. The key question that needs to be asked is why a continent rich in natural resources has the highest poverty levels in the world, while countries with limited resources are prospering. It is clear that there is something lacking in the area of finding a winning strategy.

Should it emerge that Africa is subjected to an unfair world where trade favours the developed countries or where resources are being looted out of the continent, it is the duty of Africa to find a radical approach to correcting this anomaly. The tendency to complain helplessly about such anomalies is not helping the continent to move forward. To suggest that the forces responsible for creating problems and challenges in Africa are more powerful than the continent itself, is to place the continent in a position of paralysis – where Africa will remain underdeveloped for life.

A paradigm shift is needed for Africa to take its place in world development by avoiding and handling certain issues as champions rather than victims of the modern world order. Issues that Africa must avoid in its quest for a new development trajectory include a fixation with the past, dependency and corruption.

**Fixation with the past without shaping the future**

The history of the African continent has been characterised by stories of invasion by colonial forces which plundered and looted its resources. Africa was also divided into countries and borders that suited the colonial powers. In *The Scramble for Africa* Thomas Pakenham (1990) indicates how the white man conquered the continent from 1887-1912. This trend has not stopped as African economies continue to be dominated by the former colonial powers that once ruled the continent. The worst of the stories about the conquest of Africa are captured in a racist book titled *Heart of
 Darkness by the novelist Joseph Conrad. Furthermore, the disruption of African social life by the colonisers is clearly depicted by Achebe (1994) when he writes that ‘...he has put a knife on the things that held us together and we have fallen apart’. In the light of the above reality it is important that the African must not fall victim notwithstanding the painful past but must rise beyond merely condemning and describing what colonisation has done and develop strategies that will take the continent out of the mud.

The question is how long is the route that African countries must pursue before they can take their people out of poverty and deprivation? How many years is ‘many years’? Are we helpless? For instance, if the colonialist took 130 years to colonise Africa does it means that we need 130 years to correct the anomalies bedevilling the continent?

The above questions must be answered by us not the colonial powers that have physically left the continent. It is sad that the colonial presence continues to be perpetuated ideologically and economically through leaders who by their actions are looting from this continent while remaining militant in their words. Some of them have opened bank accounts in the countries of the former colonisers. Some of these crooks have delivered the best speeches in condemnation of colonialism while they themselves have connived with the same powers to ruin the economies of the own countries and reduced Africans to refugees and immigrants to be ridiculed by rest of the world. It is common for some of these leaders to even shop and seek medical care in the countries of their colonisers.

The idea that it will take us the same number of years of the colonial damage to restore the continent is not an African but a colonial construct or discourse which some Africans have internalised in order to prolong the underdevelopment of Africa. Beneficiaries of colonialism are in fact enjoying the delay in restoring the continent as it is easy to steal from an underdeveloped country as the internal systems and governance tend to be weak. The issue is that Africans are the ones who are suffering and they urgently need to break away from the syndrome of a victim and fight for their place in the world. To fight does not only mean to deliver critical speeches at the AU done but to ensure that the economies of Africa are functional in order to reduce the number of people living in poverty. A defeatist mentality is the one that says that Africa is not moving because of external factors without putting measures and structures to address the issues and challenges on the ground. It is criticising the international community without striving towards creating your own effective structures. It is saying that the International Criminal Court is only prosecuting African leaders without working towards creating our own institution that will deal with criminals who connive with anti-African forces to butcher our own people throughout the continent. It is these type of people that have taught the world that African life is cheap and then complains when Africans are ill-treated and insulted. The world will respect Africa when she takes charge of her own future rather than crying foul about the world order which is not likely to change to accommodate Africa.

Even more challenging is the fact that colonialisation has taken a new form (neocolonialism) which is more sophisticated/subtle than the earlier version which involved soldiers and guns. The current approach entails sophisticated means through the media, donor funding, technology and trade which are used to control the former colonies. For instance, former colonies continue to supply raw materials to former colonial powers in what appears to be trade on the surface. These materials are often processed and sold back at higher prices to the same former colonies. The relationship between the former colonial powers and their colonies has taken new forms which are manifested in trade, media, cultural exchange, funding or certain NGOs which continue to entrench the agenda of the countries of origin.

We have to address the complex nature of current neocolonial relations in the modern world by developing strategies to counter the ongoing exploitation of and scramble for the continent. Africa is not speaking and it is the continent that is being ruled and not Africa. The current approach to solving problems is that the colonial wars are over as the guns have died down; however the current ones are silent, sophisticated and more lethal. Trying to fight the above by merely expressing anger won’t help as such forces can only be countered through developing effective strategies.

There are no integrated continental approaches other than a general understanding that colonialism has been a problem that needs to be continuously critiqued. It is sad that after many years of independence, nothing dramatic has happened thus far as Africa is still divided in terms of the borders and languages of the former colonial powers.

Intra continental trade and movement of goods and people is still a challenge as the necessary infrastructure (rail or air) has not yet been developed. Transportation and connecting the citizens of the continent is important for stimulating trade and interaction. Xenophobia and ethnicity is still rife as intended by the colonialists. It is these critical issues that must be addressed as a matter of urgency rather than being preoccupied about what the rest of the world think about us and how to respond or react to distortions.

Some leaders have exploited challenges such as land to score political points as was the case in Zimbabwe where the leader’s interest was not really to correct the legacy of colonialism but to score political points at a given period for short term gratification. The past challenges are often evoked when it suits some leaders in order to incite the emotions of the public for the attainment of personal political goals.

It is worth noting that although the past is important it should not be a stumbling block for moving to the future. Other nations, especially in Asia, who were faced with similar challenges have done their level best to move with speed in addressing the painful legacies of the past and today they are ahead of the African continent. Fixation with the past to the point of being paralysed by it is an impediment for progress and sustainable development. There is a need to keep history intact for the purpose of learning from it while strategising on how to make the future better: ‘The tragedy of Africa is that
the African has never really entered into history … they have never really launched themselves into the future’ (Andreasson 2010).

Dependency

The theory of dependency is founded on the notion that resources are flowing from the periphery of the so-called poor and underdeveloped states to the core of the so-called wealthy states. The developed states are often enriched at the expense of the poor states (Paul, 1997). The reality in most African countries is that they continue to supply raw materials to the developed countries, especially former colonial powers which in some instances exploit them due to the imbalanced nature of trade between unequals. The relations between the developed and African countries are based on exploitative interactions.

The beneficiaries in this type of unequal encounter are usually the developed countries. It should be noted that if this kind of arrangement is not corrected the exploitative colonial relations will perpetuate themselves. The only difference is that the colonial powers are no longer occupying the colonies. In the context of globalisation African countries are integrated as producers of raw materials or providers of cheap labour. Accessing the markets of the developed countries has proven difficult for some due to challenges of meeting some of the stringent requirements that are often placed on them.

It is therefore important that when poorer countries are entering into trade it should be on the basis of mutual benefit rather than exploitation which is the situation in some African countries which continue to be suppliers of cheap raw materials to the developed countries.

Corruption

Corruption is a serious challenge that faces the African continent and the world in general. It is important not to justify it by appealing to cultural or geographic differences. As a civilised continent where education started, we should strive to deal with barbaric acts such as crime and murder decisively rather than debating whether our statistics are better than that of Europe or not. I think Africa can do better and show the rest of the world that Africans are sophisticated people who can run their own countries without being supervised by any world power. In countries where there is corruption, money intended for development is often diverted to projects that are not within planning and budget. In addition to cases of corruption the flow of money out of the African continent through illicit means remains a challenge. According to the Mail & Guardian South Africa is ‘losing roughly R147 billion per year to the illegal movement of money out of the country’.

Strengthening Intra-continental Trade:

In order for Africa to experience a paradigm shift from being victims to champions of development the following basics are worth implementing as a matter of urgency: strengthening intracontinental trade, establishing own structures to deal with critical issues, improving transport and cross border movements. Structures within the African Union should deal with the above issues within specified timeframes. An action plan should be developed in order to address issues that need attention. Africa should monitor itself through the AU and report on critical matters across the continent on a continuous basis. There is no need for Africa to wait for the UN to come up with millennium development goals as these can be addressed within the continent and reported to the relevant structures. Some of the key issues worth addressing are outlined below:

Africa’s focus in terms of trade has been with developed countries abroad rather than among themselves and then with the rest of the World. There is a need to strengthen trade within countries located within the African Union. Given the high level of poverty in Africa, the African Union should be preoccupied with economic rather than political issues. In cases where political issues are involved, there is a need to confront them as honestly as possible rather than wait for an external force to meddle in African politics. African leaders must tell each other the truth when they are meeting at the AU. Dictators and all the leaders who are giving Africa a bad name must be tackled at the level of the AU rather than waiting for a Western leader to comment about bad leadership in Africa. Likewise more humanitarian missions must originate from Africa to assist the less developed parts of the continent.

The power of African countries will be enhanced if they are operating as a block not as separate entities. They should consider forming an effective continental structure with economic focus similar to the European Union. The African Union may have to review or broaden its mandate. The reason why the continent is being exploited by foreign agents is simply because when it comes to economic matters African countries are not operating as a united front notwithstanding the fact that they are all members of the African Union. The division between the Anglophone and Francophone Africa should be resolved as a matter of urgency. There is no use in African countries displaying unity when at the AU while they know that the languages of the colonial masters continue to divide them.

The issue of having a common currency within the continent is also worth exploring as this could assist in facilitating trade and interaction among African countries and citizens in general. A suitable currency may be adopted from one of the African countries or a new one may be created. This may also start with countries within a particular block (e.g. SADC) which may agree on a common currency.

“A defeatist mentality is the one that says that Africa is not moving because of external factors without putting measures and structures to address the issues and challenges on the ground.”
Establishing own structures to deal with critical issues

Changing the world involves action rather than just words. It is important that Africa must not just be critical of structures or world bodies that are not functioning well or are biased against them. The time for establishing an African court that will deal with crimes against humanity committed by African leaders is overdue. It is important to note that even if we withdraw from the ICC those African leaders who killed our people still remain criminals that must be pursued and prosecuted by our own court in an African Criminal Court. There are leaders who are killing our own people in the continent that we must deal with even when we may not necessarily be members of the ICC.

Even when we talk of our own structures there must be an understanding that we are going to make them effective and robust in the manner in which they will deal with issues. There is a need to agree from the onset as there might be differences on the definition of justice and good governance. Statements which are made by some African leaders that ‘corruption is a European thing’ should have no place in the African agenda. In fact they are insulting the African values of justice that protect the weak and vulnerable who are always victims of despots.

Existing African structures such as the African Union, SADC, ECOWAS etc. need to be strengthened so that they are able to deal effectively with pressing continental issues. The failure by the African Union to proactively deal with continental issues has led to wars that could have been avoided. The delay in action by the relevant African structures often leaves loopholes for intervention by foreign agencies in the form of NGOs or governments. It is during these interventions that some NGOs take advantage and carry out some missions which are not in line with their work but that of their governments.

The African Union must avoid shielding despots and bad leaders who continue to turn African people into refugees. True African brotherhood/sisterhood will occur when African leaders are truthful to each other. Most of the problems affecting the continent could be dealt with within the confines of the African Union if leaders were honest and passionate about the development of Africa. It should be noted that the enemy is not always from the West, but could be fellow African leaders who do not care about the welfare of their own people.

**Transport and cross border movements**

In order to facilitate trade among African countries it is important that the continent is connected through rail, roads and air network. A development of the rail network within Africa will go a long way in stimulating intercontinental trade. This project may start at the regional level where each region will ensure that it is connected within itself and this will ultimately lead to an advanced system that will cover the whole continent. The AU must deal with bread and butter issues that are likely to benefit the continent. Time is not on our side. The issue of managing Africa’s borders effectively must be attended to as matter of urgency to ensure that Africans enjoy smooth but controlled movement throughout the continent. The issues of abolishing VISAS among African countries needs to be looked at provided the borders are well managed. A free flow does not mean opening a passage for criminals to engage in their activities. Those of us who are advocating for one Africa must know that it comes with responsibilities and resources that will ensure that movement of people is well managed, smooth and efficient. Transportation must be urgently improved to ensure that Africans enjoy easy movement throughout the continent. For instance to fly to some African countries one still has to go via the former colonial powers.

**Addressing matters of safety and security:**

Issues of safety and security are critical for the development of Africa. Business (local and international) cannot invest where there is rampant crime, wars or serious political instability. African leaders must attend to these issues as a matter of urgency. Some African countries are security risks which continue to endanger the lives of ordinary people and tourists. An environment better than that of Europe can be created in Africa given the necessary dedication, love for the continent and political will.

A functional state can be judged by its ability to make its citizens feel safe and secure within its borders. Democracy cannot function properly without this. The ability to exercise all freedoms granted by any constitution is dependent on safety and security. The ability to pursue livelihoods is determined by the safety of the environment. In some cities and townships, business is often forced to close early due to fear of crime. People’s health is often at stake as ambulances cannot reach certain areas, especially in the townships. An unsafe country cannot claim to be a democratic country given the limitation of practice of most rights and freedoms granted by the constitution in an unsafe environment.

In the flat world of globalisation where competition is tough, it is clear that no one will grant or create the ideal conditions for Africa’s development. In saying the above, one is not undermining the impact of colonial history and the development challenges facing Africa but merely stating the truth as clearly captured by Mills, (2010:2) ‘No one disputes that leaders face big governance challenges in Africa. Yet in other parts of the world they are regarded as obstacles to be overcome, not as permanent excuses for failure’. It is a colonial narrative and construct that confines Africa into a box of permanent victimhood with no capacity to address its own problems and challenges. Africa does not need apologies or sympathy from the rest of the world but a bold heart and partners within continent and the international community who can collaborate to turn the situation around.

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POLITICS

An analysis of the relationship between the black struggle and women in Africa

By Deborah Mutemwa Tumbo and Tshepiso Scott

The revolution and women’s liberation go together. We do not talk of women’s emancipation as an act of charity or out of a surge of human compassion. It is a basic necessity for the revolution to triumph. Women hold up the other half of the sky. Thomas Sankara, 2 October 1983

Despite the timeless words of Thomas Sankara, arguably one of Africa’s greatest leaders, who was a feminist, many Africans today who hold feminist views are stigmatised and seen as counter-revolutionary. One of the main criticisms that African feminists endure is that by speaking of their equality and full emancipation, they are supporting Western ideals and are giving credence to white supremacy.

However, one should consider that feminists are stigmatised and feared within the black struggle against white supremacy, not because equality is a western idea, but as a result of ingrained patriarchy. A further contributing factor to the fear of feminists within the black struggle is the idea that feminism is a foreign concept to African culture. However, in the words of Chimamanda Ngozi Adichie, “culture does not make people and people make culture. So if it is in fact true that the full humanity of women is not our culture, then we must make it our culture”.1

But what is African culture?

African culture is underpinned by the concept of “ubuntu” or “umoja”. As Mokgoro J once explained, “ubuntu translates as humaneness. In its most fundamental sense, it translates as personhood and morality. Metaphorically, it expresses itself in umuntu ngumuntu ngabantu, describing the significance of group solidarity on survival issues so central to the survival of communities. While it envelops the key values of group solidarity, compassion, respect, human dignity, conformity to basic norms and collective unity, in its fundamental sense it denotes humanity and morality. Its spirit emphasises respect for human dignity, marking a shift from confrontation to conciliation”.2

One might take from this that the framework that Africa has created for herself is that of togetherness and full humanity for all of her people. However, instead of fully embracing humanity, equality and full togetherness, we have entrenched patriarchy and misogyny in our culture. This essentially sustains white supremacy instead of enabling us to launch a frontal attack against it. However the point is this: culture can and must change for the betterment of African society. Culture must ensure that equal rights are given to all, across race, class and gender. Although it is true that our foremothers may not have known the word “feminism”, this does not mean they were not feminists. It does not mean they did not stand up against gross injustices where they were able to do so.

As Sankara explained, the African community will not be free for as long as its women are not free. The control of African women ideologically, economically, socially and politically functions perfectly to form a highly discriminative but effective system that is designed to keep them in a submissive and subordinate place.3 An end to the degradation and exploitation of African women is an integral step in eradicating white supremacy.4 Feminism is a tool against white supremacy and not a mechanism to aid it.
It is strange that feminists are feared within the African struggle against white supremacy. In South Africa, for instance, women gathered and marched to the Union Buildings against proposed amendments to the pass laws in terms of the Urban Areas Act 21 of 1923 on the 9th of August 1956. This is only one of many instances where feminism was an active part of the black struggle against white supremacy. The women’s march of 1956 was a victory for black feminists (women and men) against white supremacy.

What one can learn from this is perhaps that the fear of feminism within the black struggle is a result of not having a full understanding of what feminism means and how it completes society. In the words of Barack Obama: “When everyone is equal, we are all more free”.

Feminism means many different things to many different people. However, if looking for a simple answer, one would find that the following definition encapsulates the essence of feminism: a feminist is “a person who believes in the social, economic and political equality of the sexes”. This definition ought to be preferred as the basic definition of feminism as equality can unequivocally be viewed as the root of every feminist movement to date.

Scholars have divided the history of the feminist movement into three waves.

The first wave refers to the suffrage movements of the nineteenth and early twentieth centuries. These movements were mainly concerned with women’s rights to vote. They were based on the egalitarian ideal that women, just like men, ought to have the right to participate in the political processes that would ultimately affect them just as much as they would affect men.

The second wave refers to the ideas and actions associated with the women’s liberation movement beginning in the 1960s and early 1970s. These movements mainly focussed on solidifying political rights for women and increasing their social rights. The ideas around this movement were not only geared at advocating for women’s social rights and agency, but also challenging norms and ideals that were denigrating, dehumanising or objectifying of women. It was also the beginning of the struggle of equal pay for equal work-a struggle that we now know is still raging on, even in some of the most “developed” nations.

The third wave refers to a continuation of, and a reaction to the perceived failures of second-wave feminism, beginning in the 1990s. This is the wave of feminism that we are currently in. It has been described as follows by Krolokke and Sorensen:

Born with the privileges that first- and second-wave feminists fought for, third-wave feminists generally see themselves as capable, strong, and assertive social agents: “The Third Wave is buoyed by the confidence of having more opportunities and less sexism” (Baumgardner & Richards, 2000, p. 83).

This current wave is about giving girls and women more opportunities and refusing to allow them to be subjected to prejudice and denigration.

The above waves of feminism all have one central tenet at their very core: equality.

In light of this, it is clear that feminism amongst other characteristics has the belief in equality. On this definition feminism is but another egalitarian ideal that aims to ensure a better and equal life for all. Egalitarianism can be defined as the doctrine that all people are equal and deserve equal rights and opportunities. When one has regard to other egalitarian movements such as the struggles against colonialism and for racial equality, it becomes almost impossible to argue that feminism is anti-african or a tool for white supremacy.

White supremacy, on the other hand is entirely premised on inequality. It is defined as “the belief that white people are superior to those of all other races, especially the black race, and should therefore dominate society”. In light of this tension between equality and inequality, the following question arises – How can an idea, premised on domination and inequality, use as its tool the belief in the equality of the sexes, to divide the African people? What is to be gained by white supremacists from equality between African males and females?

It is inequality that divides. It is the sexism inherent in all undeveloped or old cultures that divides men from women, and holds women back from realising their full potential to become equal co-labourers in the struggle for true freedom. It is sexism that debilitates the African struggle by leaving the black man with only one hand to fight our struggle, as he uses the other to hold the African woman down in “her place”.

If considered fairly and holistically, feminism is a uniting tool that Africans should embrace in order to move forward in the fight for true liberation. The truth of the matter is, although different, women are equal to men. Some of Africa’s best leaders, judges, mathematicians, engineers, doctors, lawyers, writers, scientists, scholars, innovators, presidents, deputy presidents, ministers… could be locked inside the brain of a woman held down by patriarchy, misogyny and sexism. Feminism seeks to give all women the freedom to choose to unleash all of their potential.

To reiterate the words of the late great Thomas Sankara: “The revolution and women’s liberation go together.”
Biorefinery facility launched to address biomass waste challenges, boost industry competitiveness

Newly appointed Minister of Science and Technology, Mmamoloko Kubayi-Ngubani toured the first Biorefinery Facility in South Africa. CSIR’s Chief Scientist Dr Bruce Sithole explained the various processes conducted at the facility.

By Department of Science and Technology
The South African government has launched a R37.5 million biorefinery facility in Durban, which is set to extract maximum value from biomass waste. The facility, which is a first for South Africa, will support innovation in a range of industries, including forestry, agro processing and other biomass-based industries.

The Minister of Science and Technology, Ms Mmamoloko Kubayi-Ngubane, launched the Biorefinery Industry Development Facility (BIDF) at the Council for Scientific and Industrial Research (CSIR) campus in Durban on 20 March 2018.

The initial focus of the BIDF is the forestry sector, which is under financial strain globally. Technology innovations have been earmarked to help prevent job losses and enable growth in this sector.

Biorefinery in South Africa’s pulp and paper industry is practiced on a very limited scale. Wood, pulp and paper waste ends up in landfill sites or is burnt, stockpiled or even pumped out to sea. The potential to extract value from it is not realised, which means lost opportunities for the country’s economy.

Additionally, the country is running out of landfill space. High-value speciality chemicals can be extracted from sawmill and dust shavings, while mill sludge can be converted into nanocrystalline cellulose, biopolymers and biogas.

The facility is the third Industry Innovation Partnership Fund (IIPF) initiative to be launched by the Department of Science and Technology (DST) and its entity, the CSIR. The other two are the Biomanufacturing Industry Development Centre and the Nanomaterials Industrial Development Facility. The purpose of the IIPF is to support research and development programmes that enhance industry competitiveness.

Speaking at the launch, Minister Kubayi-Ngubane said a ministerial review report highlighted several challenges that impeded the growth and strengthening of the country’s national system of innovation, one of which was low levels of investments in research and development by the private sector.

“A key recommendation of the report was for government to put in place effective measures and mechanisms to attract the private sector to invest in R&D and innovation,” said the Minister.

The Minister further stated that the Industry Innovation Partnership (IIP) was a response to those recommendations whose key objectives were to leverage industry investment in RDI by stimulating increased co-funding and participation by industry players in projects to maintain and increase their export market share and mitigate under-spending in technology and innovation in identified niche or strategic sectors in the South African economy.

"Additionally, the country is running out of landfill space. High-value speciality chemicals can be extracted from sawmill and dust shavings, while mill sludge can be converted into nanocrystalline cellulose, biopolymers and biogas."

“Key long-term outcomes measure would be increased sector contribution to the GDP through stronger RDI-based industrial development,” said the Minister; adding that the IIP should support initiatives, such as satellite development and manufacturing and titanium powder development, among others.

Talking about the need for science to support industrial development, CSIR CEO, Dr Thulani Dlamini said making South Africa more competitive was at the heart of the CSIR.

“Our mandate requires us to use science and technology to contribute to scientific and industrial development, which will improve the competitiveness of the South African industry and also create new industries. The CSIR is using innovation to contribute to economic growth and thus assisting in the fight against poverty, inequality and unemployment,” said Dr Dlamini.

Prof Bruce Sithole, CSIR Manager for Forestry Products, emphasised the potential of the BIDF to be of service to other sectors, for example, exploring the use of chicken feathers in high-value products.

Small quantities of waste chicken feathers are processed into feed for livestock, but the majority of the waste is traditionally disposed of by burning or landfilling. However, the BIDF is demonstrating that keratin can be successfully extracted from the poultry by-product to be used in high-value applications, such as nanostructured materials for biomedical applications.

“The BIDF is accessible to large industry and Small, Medium and Micro-sized Enterprises (SMMES) for their research and development, analytical and pilot scale testing, evaluation, processing and development of technologies for processing biomass. Some of the equipment at the BIDF is unique in South Africa. The facility is home to highly-skilled chemists, engineers and biologists who are well-versed in technologies for beneficiation and valorisation of biomass,” said Sithole.

Significant investments are being made to develop the human capital required to support the sector. The CSIR has partnered with the University of KwaZulu-Natal to develop the required skills and expertise that will enable and promote biorefinery technologies in South Africa.

Ms Jane Molony, Executive Director of the Pulp and Paper Manufacturing Association of South Africa, expressed confidence in the potential of the facility to make a meaningful contribution to the sector and the South African economy.

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‘Bra Willie’ Kgositsile, who died in January, was celebrated and honoured throughout South Africa for his fighting spirit, vibrant poetry, his love of life, jazz and people; and his unforgettable smile. Professor Keorapetse became South Africa’s Poet Laureate in 2006. He was sent abroad by the ANC in 1961 and much of his exile was spent in the USA, where he became established as a leading Africa-American poet, deepened his love for jazz and theatre, and achieved a Master’s in Fine Arts. He has taught in several universities including Dar es Salaam, Nairobi, Botswana, Zambia, the University of California (LA), Zimbabwe and Fort Hare. Throughout his life he was active within the ANC, and he never gave up his passionate commitment to the struggle. After returning to South Africa he served as advisor to the last two ministers of Arts and Culture and continued to help and encourage young artists. Below we reproduce one of his poems and a tribute to him written by Mongane Serote.

Keorapetse Kgositsile
Of shadows and chameleons
Don’t I say again the present remains a dangerous place to live
and now at the risk of trampling on some sadistic toes who might want to hurl words at my face to sting like toxic waste
I want even the young to see that the present is littered with the debris of our gangrened dreams
When we seek harmonious resolution when we want diversity even at our expense instead of the solidarity that informed our resolve to turn our dreams into life full of the laughter of a people who have somewhere to go

When we settle for the rigid compliance of the unimaginative bureaucrat where, then, oh where is the morally conscientious voice to cup the poisoned vein of the present that sags under the brutal weight of these insatiable appetites

Who will teach the young that our memories of struggle cannot be erased our memories of struggle refuse to die

The Editor welcomes contributions that take into account The Thinker’s vision of a democratic, non-racial, non-sexist and caring South Africa. Submissions of poetry and the written word should be brief. For visual material, a high-resolution document is required (300dpi Jpeg). Please send your work electronically to editor@thethinker.co.za for consideration.
Bra Willy
We accept when you say I must go now
You say so
Because like the sun moves from here to there
You too had to move from here to there
Bra Willy
When you agreed
To stand up and to walk
to stop
And to sit down and to lie down
And to close your eyes so that your eyelids like a curtain
can shut the light out
We agree with you
It is time to fly like a bird into the breeze and into the
clouds and to the sky
Bra Willy
Where is it you have not been
Which seasons whether severe or not
Did you not know and experience and survive cadre
And so
When the body
Like plants do when they do in the autumn and in
winter
Atrophy
Knowing you
Because it does this thing
The body
atrophy
You must have looked at it lying there on the hospital
bed
And with that smile of yours and a gutteral laughter
I can hear you say
Ah
Nna kea tsamaya
revolting at the sight of what the body so fragile looked
like
and you left Bra Willy
We remain here for a while Bra Willy
We will listen to the breeze where you left your voice
and your words and your wisdom
For wisdom we need as you know
We know you know
Is kak in die land
as we would say
at this terrible hour of our land
You left as we were changing guidance you good
messenger
Were you in a hurry to meet Madiba and Albertina as
they come back brought by us this year
For you to report to them in time
Like the freedom fighter you are
After OR has been here
Asked by us last year
Knowing also how mischievous you can be
Do not just say
ba bizi kwa and smile before you laugh
Say ba lwana gsape ba lwela lefatse le lekgotla
Ah Bra Willy
When OR says go to report to Kotane
to Dora Tamana
And to Yusuf
to Dorothy Nyembe
And to JB
to Rrahina Moosa
And to SLOVO
and to Helen Joseph
Ask them
Comrade Poet as you assume a birds eye view of us
Why are we where we are now
Corruption-
Bad bad bad as it is!
It is a symptom of things very deep
It reflects induced sickness which is very deep made
depth for freedom to atrophy
and die
Bra Willy
Because you know that the sight of an ant heap above
the earth
is a sign of a myriad of activity beneath the earth
You want us to remember
That there are coincidences, mistakes and accidents
In the struggle
As there are zig-zags in life
But that there is knowledge, understanding,
commitment and conviction
As there must be a straight line in a zig-zig
We were taught-
We know and we understand
Sleep peacefully Comrade Poet
Here we go again-
Aluta Continua
The global average of women in national parliaments has nearly doubled, from 11.3 per cent in 1995 to 22.1 per cent in 2015. Despite these gains, the effects of different forms of political regimes and their impacts on women’s participation in political leadership in sub-Saharan Africa is sharply contested. General wisdom contends that women as a political constituency are essential ingredients for democratic governance. Similarly, institutionalisation of democratic principles is viewed as a requisite for increased women’s participation in political life. The dilemma, however, remains, as to whether governance and political structures are enablers or barriers to women’s representation in political leadership? In other words, do numbers matter?

I conceived this article while undertaking a training course on women’s political and economic leadership, at the Golda Meir Center, in Haifa, Israel. In what was designed as “experiential learning”, organisers took us to interact with the members of Knesset (parliament) and other leaders across sectors. In one of the lectures...
I learnt that women only occupied 27.5% seats out of 120 members of Knesset. Compared to countries such as Rwanda (61.3%), Bolivia (53.1%), Cuba (48.9%) and Iceland (47.6%), it is obvious that Israel lags behind on women’s numerical representation in the parliament. Yet, the country’s Gross Domestic Product (GDP) in 2016 was 318.74 billion US dollars, representing 0.51% of the world economy. In 2016, Israel was ranked 49th out of 144 countries in the Gender Gap Index (GPI). I personally believe some countries in sub-Saharan Africa (SSA) are more robust than Israel when it comes to political systems and constitutionalism. By the way, did you know that Israel is among the three democratic countries in the world without a codified constitution? The other countries without a documented constitution include the United Kingdom and Northern Ireland and New Zealand. A country like Kenya enjoys the new constitution promulgated in 2010, with much of the powers devolved to the citizens. There exist well-structured legal and policy frameworks that guide public affairs, including appointments into public sector within Article 27:8 of the Constitution. In regard to women’s representation in parliament, Kenya (19.4%) is below Israel (27.5%). Moreover, in 2014, women in Kenya comprised 20% in top management of government parastatals, compare to Israel’s 0%.

In the same vein, empowerment of women to top leadership cannot merely be pursued in relation to their numerical strength. A lot more needs to be done in extricating African political systems from patronages and unethical economics. Before I make my contribution to this debate, I have identified critical issues that require urgent attention not only for African leaders, but also the role of civil society organisations, and other eminent political players, in order to address the question of social inequalities.

**Women and clandestine politics in Africa**

Politics is inherently related to development. Inclusion or exclusion of women from political leadership varies from one society to another. However, the propensity that a woman will ascend to power or lose a political battle can be influenced by several structural inhibitions. Firstly, the domination of clientele and patronage politics remains a severe barrier to women’s empowerment. Thus, women aspiring for political leadership in sub-Saharan Africa (SSA) suffer double tragedy – the ‘whip’ of cultural norms as well as social and political controls. The ‘big man syndrome’ and ‘silent authoritarianism’, common in clientele politics, remain a major source of ‘servitude’ against dreams of many women to meaningful participation in political leadership. It is for this reason that analysts have warned that patronage politics is closely linked to development capitalism and authoritarianism. In other words, political leaders who occupy positions of authority in the party or public service act as ‘gatekeepers’ by controlling access to resources and opportunities. This was crystal clear during the 2017 political stalemate in Kenya, where the Jubilee regime initiated debates and designed laws allowing civil servants to conduct political campaigns for the incumbent. This had wider ramifications; the divisive politics did not allow women, particularly those from areas considered opposition strongholds, to bid for leadership effectively.

Secondly, it is democratisation at a cross-road. The gendered perspective of the political landscape in SSA is mixed. Since 2000, six women have served as heads of state or government in Africa (including four as acting heads). Although democratic and non-democratic countries in Africa have similar numbers of women parliamentarians, respect for civil liberties can fuel the growth of women’s legislative representation further down the road. Elsewhere, I and my colleagues have argued that, ‘even in the era of Sustainable Development Goals (SDGs), there seem to be no consensus as to whether ‘gender equality’ can be considered as a means for achieving sustainable development’.

Third is the prevailing governance structure. Authoritarian or semi-authoritarian regimes limit virtually every dimension of political participation. Genuine civic participation and independent media are repressed, the private sector cooperates with the regime (through coercion or voluntarily), voting becomes a meaningless exercise and elected or appointed officials are expected to toe the ruling party’s line. In situations where the autocratic regime hold is slightly weaker, civic and political actors may take advantage of cracks within the regime to engage at the community or local level or work with nascent opposition parties. In authoritarian countries, the space for independent activism by women’s groups is severely constrained. In some circumstances, where the incumbent perceives tough competition from the opposition and civil society groupings, gender equality can be seen by state authorities, and even within the broader society, as a threat to national security or culture.

Fifth is the absence of electoral integrity. In essence, this situation undermines the value of voting and conditions women’s participation in political parties and electoral campaigns. In some cases, autocrats have imposed quotas within the party or parliament such that an apparent “commitment to gender equality” co-exists with a lack of genuine democratic participation. Top-level leadership of these countries is nearly always masculine such that the multiplication of women presidents in the world over the past ten years is almost entirely limited to the domain of democratic countries. In some semi-authoritarian and authoritarian contexts, there is greater space for participation at the subnational level, particularly around local governance.
and service delivery. The debate has been about the complications that political regimes add to the gender-based violence. However, some scholars argue that hyper-masculinity, often exercised by men in power, is a sign of deepened power relations.14

Sixth, in democratic transitions that are “flawed” or “stuck,” fundamental political rights are respected and elections are ‘somewhat’ free, fair and contested by multiple political parties. However, the path to democratic consolidation is stymied by at least one of the following three factors: a) a weak representation of citizens; b) as was the case in the Kenyan presidential election in 2017, an unproductive stalemate between political forces; and c) as is still the case in Burundi and South Sudan, power held by de facto institutions such as the military or powerful individuals, including political elites, business men, bureaucrats.

In consolidated democratic systems, government repression is not the problem. Journalists are able to investigate and report stories. Voters exercise their rights in a context of competitive and free and fair elections. Parliaments and the judiciary are independent and represent checks on executive power. All is not rosy however. Even full/consolidated democracies suffer from ills such as political and social inequality and citizen apathy and dissatisfaction with representative democracy.15 In flawed democracies, parties are a common Achilles heel, tending to be leader-centric, poorly rooted, non-programmatic and weak on internal democracy.16

Some regimes combine democratic and authoritarian characteristics. Often in these contexts, formal democratic processes, particularly elections, are used as a means to obtain and maintain power. These regimes take measures to prolong and expand executive authority by abusing state resources, harassing the opposition, and violating the separation of powers. Assassination of political dissidents and those perceived as obstacles to the oligarchy becomes a norm. Yet, absolute authoritarian governments take the abuses mentioned above a step further. Political and civil rights are extremely limited, if not non-existent. Independent media and civil society are severely restricted and activists operate at great risk. To the extent that opposition political parties exist, it is in name only. In Uganda, for instance, for several decades since President Yoweri Museveni took power in 1986, the country’s legislature and judiciary operate at the bidding of the executive.

The final issue is “survival” of women’s leadership quest in post-conflict states, and in particular, in fragile states. The World Bank defines fragility as “periods when states or institutions lack the capacity, accountability, or legitimacy to mediate relations between citizen groups and between citizens and the state, making them vulnerable to violence”.17

The category is cross-cutting, found in “stuck” democracies as well as authoritarian contexts. Fragile and conflict states are at a higher risk of the corruption of political institutions and electoral manipulation. Depending on the degree of fragility, the context may be characterised by the absence of rule of law, basic government, opposition parties, and free and independent media.18 Political parties may be associated with armed groups or militias or they may have been repressed during a previous period of authoritarian rule and are building from scratch.

The above discussed issues often degenerate into tensions which subvert women’s quest for attaining leadership equity in SSA. In the next section, I shall argue that the solution does not necessarily rely on the numerical strength of women in political leadership; instead salient policies and legislation are key in addressing the scarcity of thought leadership.

Seven ways of extricating women from the yoke of clandestine politics

Systems of government in SSA, like many other parts of the world, range from nominal multi-party democracies, single party and transitional governments, and centralised and decentralised governance systems. Persistent and recurrent conflict in South Sudan and Somalia, for example, has stunted potential advances in socio-economic progress, good governance and contributed to the chronically weak government structures which result in an extremely fragile central state.19

The Kenyan political stalemate of the 2017 presidential election continues to offer grounds for legal experimentation and constitutionalism. Prior to his resignation the unsuccessful impeachment ‘bouts’ against President Jacob Zuma, perhaps presents the most enthusiastic case of a model consolidated democracy. Against this back-drop of democratic and socio-cultural contexts, women’s “survival”, could count on a number of legislative and policy options: a) universal suffrage; b) political parties; c) parliaments; c) sub-national governments; d) the executive branch; e) the judiciary; f) constitution building; and g) civil society (including media, civic action and social movements).

Universal suffrage

Cross-country data on sex-disaggregated voter turnout is difficult to obtain as relatively few countries have separate polling stations for women and men. For those countries where data does exist, voter turnout for women varies widely. Not surprisingly, in contexts where patriarchy is particularly engrained in the culture, women’s turnout lags far behind men.20 For instance, in Saudi Arabia, Afghanistan and Pakistan, women represented 10%, 38%21 and 40% of the electorate, respectively.22 In Ecuador, on the other hand, where gender parity is enshrined in the 2008
Constitution, women accounted for 51% of the electorate.\(^2\) Even though there are contextual specificities between nations, the universality of elections as a tool for ensuring democratic governance leads me to believe that the trend is similar to some African states. Scholars have observed that in situations of clientele politics, where material favours are offered in return for political support women rarely survive.\(^2\) Women experience several pre-election day hurdles, mobility or security challenges. Electoral management bodies (EMB’s) could play an important role in defining and implementing electoral administration policy. In order to identify all of the constraints that women voters face, EMBs should carry out a “gender audit” of the full electoral cycle.

**Political parties**

Though there is no global data on women’s membership and leadership in political parties, those regions that do have statistics indicate deep inequalities. In Latin America for instance, women make up 40-53% of party membership. The figures are far lower in terms of leadership however, with women accounting for only 20.4% of executive committee members.\(^2\) In the European Union (EU), women account for 13% of party leaders and 33% of deputy leaders. An analysis of 214 political parties in Africa found that not one had achieved equal representation in leadership committees between women and men. South Africa’s current ruling party, the ANC, sets an example here, having gender parity in its National Executive committee, as well as in its present cabinet. Amongst the factors that have been identified as barriers to women’s leadership and participation in political parties is the lack of gender commitment in party constitutions. For instance, one analysis of the foundational documents of 74 parties in Latin America found that less than half (44.9%) reference non-discrimination or gender equality.

Nevertheless, if party leadership has a genuine interest in supporting women’s leadership and participation, there are a number of enabling steps that can be taken: Women’s wings can be empowered through inclusion and decision making power in the National Executive Committee as well as resources and support for mobilising women members and influencing party policy positions; proactive recruiting strategies can draw women into parties and political life.

**Executive branch of government and parliament**

Women heads of state continue to be rare. As of March 2015, the total number of countries with a female head of state or government was 19.\(^2\) Within the Executive Branch, the national machinery (formal government structures mandated to promote gender equality) has a special role to play in promoting women’s political participation. The structure and powers of these bodies vary significantly across countries, including Women’s or Gender Ministries or committees. In many cases, the national machinery lacks the financial or human resources to fulfill its broad mandate. In other cases, gender equality serves as an orienting principle, but with no national plan or authority to ensure implementation.

**Mobilisation around strategic needs aims to ultimately erode gender inequalities, such as legal rights and access to voice and decision-making at all levels.\(^2\)**

**Constitutionalism**

Constitutions can have a profound impact on gender equality in all its dimensions, including the political, economic and social spheres. A country’s constitution captures a nation’s values, history, and culture and articulates a vision for the future. Historically, constitutions were written by small groups of elites with little or no input from women. From a gender perspective,
constitutional debates on the right to and exercise of citizenship may involve gendered differences on at least three critical dimensions: a) gender-neutral definitions of parentage; b) separating marriage from citizenship such that citizenship is not lost on marriage to a non-citizen or lost on annulment from a citizen; and c) in some cases, including a prohibition on discriminatory citizenship on grounds including sex. Constitutional provisions may also support women’s leadership and participation through regulations prohibiting non-discrimination in political parties and mandating women’s participation in leadership structures and electoral processes.

Civil society and advocacy

Women have a long history of civil society engagement. Relative to the political sphere, there are less barriers to entry for women’s leadership and participation in civil society. Though global figures are not available, in a number of countries women outnumber men in the civil society sector. Civil society also matters for women because in many cases, it represents a potential pathway to political power as well as a source of political capital: “Women candidates are more likely than men to come from civil society and therefore to have stronger relationships with CSOs. Organisation around “practical needs,” such as food, health care and education, often stems directly from women’s roles as wives and mothers. Mobilisation around “strategic needs” aims to “ultimately erode gender inequalities, such as legal rights and access to voice and decision-making at all levels.”

In many countries, relations between women politicians and civil society organisations are tenuous. However, when the relationship works, there are benefits for both sides. For instance, the Uganda Women’s Parliamentary Association (UWOPA) is an umbrella organisation through which women’s political capacity building is coordinated.

Conclusion

This article has shown that, despite the structural and systemic challenges facing women in masculine political space, there exist opportunities for women’s participation. For example, the electoral management bodies play an important role in defining and implementing electoral administration policy. However, in order to identify all of the constraints that women voters face, EMBs in collaboration with other political players should carry out a “gender audit” of the full electoral cycle. Based on the results of the audit, there are a number of measures that EMBs can take to facilitate voting by women, including: women only registration teams, mobile registration, ensuring the integrity of the secret ballot, providing accessible (or even mobile) polling locations, and guaranteeing security throughout the process. In my considered view, climbing the ladder to leadership is not merely a game of numbers, but carefully calibrated processes that will ensure everyone is afforded equal opportunity to contest and lead; as well as empowering legislation and quotas.

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Endnotes

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